

Confidential - Per 2004 MDL 1358 Order

1 REPORTER'S CERTIFICATE

2
3 I certify that the witness in the foregoing
4 deposition.

5 DAVID P. BOLIN

6 was by me duly sworn to testify in the within-entitled
7 cause; that said deposition was taken at the time and
8 place therein named; pages 1146 through 1467, of the
9 testimony of said witness were reported by me, a duly
10 Certified Shorthand Reporter of the State of
11 California authorized to administer oaths and
12 affirmations, and said testimony was thereafter
13 transcribed into typewriting.

14 I further certify that I am not of counsel or
15 attorney for either or any of the parties to said
16 deposition, nor in any way interested in the outcome
17 of the cause named in said deposition.

18 IN WITNESS WHEREOF, I have hereunto set my hand
19 this 30th day of November, 2008.

20
21
22 -----
23 SANDRA BUNCH VANDER POL, RMR, CRR
24 Certified Shorthand Reporter
25 Certificate No. 3032

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

Methyl Tertiary Butyl: Master File No. 1:00-1898
Ether ("MTBE") : MDL NO. 1358 (SAS)
Products Liability : M21-88
Litigation :

This Document Relates to:
Orange County Water District
v. Unocal Corporation, et al.,
S.D.N.Y. No. 04 Civ. 4968 (SAS)

CONFIDENTIAL
(Per 2004 MDL 1358 Order)

OCTOBER 21, 2008

Videotaped Deposition of DAVID P. BOLIN,
Volume 7, OCWD'S 30(b)(6) DESIGNEE, re Focus Plumes
2, 7 and 9, held in the law offices of Latham &
Watkins, 650 Town Center Drive, Suite 2000, Costa
Mesa, California, beginning at 9:12 a.m., before
Sandra Bunch VanderPol, RPR, RMR, CRR, CSR #3032.

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<p>1 is entirely appropriate, you're referring to the</p> <p>2 binder of documents that you assembled for the 6502</p> <p>3 Bolsa site, correct?</p> <p>4 A. Yes. This is in table -- I punched a</p> <p>5 hole through the table number. In a table attached</p> <p>6 to a report by Wayne Perry, the Shell's consultant,</p> <p>7 dated May 5th, 2008 titled, "Groundwater Monitoring</p> <p>8 Report, First Quarter 2008, Former Shell Service</p> <p>9 Station, 6502 Bolsa Avenue."</p> <p>10 Q. When you say that B-48A had a maximum</p> <p>11 MTBE detection in June 2000 of 61 micrograms per</p> <p>12 liter, what -- which part of the 48 well? Is that</p> <p>13 48A?</p> <p>14 A. That was 48A.</p> <p>15 Q. That's in the most shallow part of</p> <p>16 it?</p> <p>17 A. Yes.</p> <p>18 Q. How deep is 48A?</p> <p>19 A. 15 to 20 feet.</p> <p>20 Q. Has there ever been a detection of</p> <p>21 MTBE in 48B?</p> <p>22 A. Not that I have seen recorded.</p> <p>23 Q. Has there ever been a detection of</p> <p>24 MTBE in 48C?</p> <p>25 A. Not that I have seen recorded.</p>	<p>1 is all due west of the service station site, correct?</p> <p>2 A. Yes, it is.</p> <p>3 Q. How close is the monitoring well 48A,</p> <p>4 B and C to the service station?</p> <p>5 A. I don't know what that distance is.</p> <p>6 Q. It's a lot closer to the service</p> <p>7 station site than HB-1, correct?</p> <p>8 A. Yes.</p> <p>9 Q. How far is HB-1 from the service</p> <p>10 station site?</p> <p>11 A. That is approximately 1800 feet.</p> <p>12 Q. So the nearest water -- groundwater</p> <p>13 production well to the service station site is HB-1,</p> <p>14 some 1800 feet to the west, correct?</p> <p>15 A. Yes.</p> <p>16 Q. And HB-1 has never had a detection of</p> <p>17 MTBE in it, correct?</p> <p>18 A. Not to my knowledge.</p> <p>19 Q. And it's never had a detection of TBA</p> <p>20 in it, correct?</p> <p>21 A. Not to my knowledge.</p> <p>22 Q. You say at the bottom of the second</p> <p>23 page of Exhibit 91 that the nearest MTBE detection in</p> <p>24 a drinking water production well to 6502 Bolsa are</p> <p>25 the micro detections in HB-7 and HB-13. You have got</p>
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<p>1 Q. What's the most recent MTBE detection</p> <p>2 in 48A?</p> <p>3 A. May 31st, 2006, as reported in Wayne</p> <p>4 Perry's May 5th, 2008 report.</p> <p>5 Q. And what was that detection?</p> <p>6 A. It was 1.1 micrograms per liter.</p> <p>7 Q. Is it fair to characterize 48A, B and</p> <p>8 C as what might be referred to as a sentry well?</p> <p>9 A. I'm not sure what you're referring to</p> <p>10 as a sentry well.</p> <p>11 Q. Have you ever heard that term?</p> <p>12 A. Yes.</p> <p>13 Q. What's your understanding of the</p> <p>14 definition of a sentry well?</p> <p>15 A. It's a well that's intended to mark</p> <p>16 the arrival of contamination before it gets to a</p> <p>17 receptor, arrives at a receptor in -- that you want</p> <p>18 to avoid any arrival at.</p> <p>19 Q. The nearest drinking water production</p> <p>20 well to 6502 Bolsa is HB-1, correct?</p> <p>21 A. Yes. I believe that's correct.</p> <p>22 Q. Which appears to be due west of the</p> <p>23 service station site, correct?</p> <p>24 A. I believe that's correct.</p> <p>25 Q. And the monitoring well 48A, B and C</p>	<p>1 0.16 micrograms per liter in HB-7 and 0.17 micrograms</p> <p>2 per liter in HB-13. Do you see that?</p> <p>3 A. I've reported in my notes that MTBE</p> <p>4 was detected in both HB-7 and HB-13 at 0.16</p> <p>5 micrograms per liter and 0.17 micrograms per liter,</p> <p>6 respectively.</p> <p>7 Q. Is it your contention that MTBE</p> <p>8 gasoline from 6502 Bolsa is the contamination that</p> <p>9 has resulted in the micro detections at HB-7 and</p> <p>10 HB-13?</p> <p>11 A. We haven't identified which of the</p> <p>12 stations the detections in HB-7, HB-13 are from. All</p> <p>13 the stations on this map, including Shell 6502 and</p> <p>14 Westminster Shell, are suspect source locations for</p> <p>15 those detections, and we are still working to</p> <p>16 determine the sites from which contamination is</p> <p>17 emanating, that have gotten into the wells.</p> <p>18 Q. I apologize if this sounds like a</p> <p>19 question I asked you earlier, but I -- you have to</p> <p>20 explain to the uninitiated.</p> <p>21 I understand that you have a bunch of</p> <p>22 stations within the general vicinity of two wells</p> <p>23 that have micro detections. What I'm puzzled by is,</p> <p>24 based on my amateur understanding of hydrogeology,</p> <p>25 normally what you would do is you would find a</p>

<p style="text-align: right;">Page 1513</p> <p>1 this station, we could --</p> <p>2 MR. TEMKO: No, let's take a break. I think</p> <p>3 that's a good idea. Thank you.</p> <p>4 THE VIDEOGRAPHER: Going off the record.</p> <p>5 The time is 10:22 a.m.</p> <p>6 (Recess taken.)</p> <p>7 THE VIDEOGRAPHER: We are back on the</p> <p>8 record. The time is 10:35 a.m.</p> <p>9 BY MR. TEMKO:</p> <p>10 Q. Mr. Bolin, earlier today you</p> <p>11 explained how you developed this plume by reference</p> <p>12 to service stations that were in close proximity to</p> <p>13 one another, and I asked you some questions about how</p> <p>14 close stations had to be in order to have releases</p> <p>15 from the stations commingled; do you recall that</p> <p>16 testimony?</p> <p>17 A. Yes.</p> <p>18 Q. As you sit here today, do you have</p> <p>19 any information indicating that MTBE contamination</p> <p>20 from any of the other service station sites on</p> <p>21 Exhibit 89 have actually commingled with MTBE</p> <p>22 contamination from 6502 Bolsa?</p> <p>23 A. No, I do not have specific</p> <p>24 information.</p> <p>25 Q. Are there any other service station</p>	<p style="text-align: right;">Page 1515</p> <p>1 Perry that I mentioned earlier, May 5th, 2008, they</p> <p>2 have shown -- or they show that the groundwater flow</p> <p>3 direction in the shallow zone from data collected on</p> <p>4 March 25th, 2008, is to the northwest.</p> <p>5 Q. What document are you referring -- is</p> <p>6 there a particular table that you're looking at?</p> <p>7 A. I'm looking at Figure 2 of a document</p> <p>8 by Wayne Perry, dated May 5th, 2008, entitled,</p> <p>9 "Groundwater Monitoring Report, First Quarter 2008,</p> <p>10 Former Shell Service Station, 6502 Bolsa Avenue Bolsa</p> <p>11 Avenue in Huntington Beach."</p> <p>12 Q. That's behind Tab 8 in your binder?</p> <p>13 A. Yes, it is.</p> <p>14 Q. Thank you.</p> <p>15 How much money has OCWD spent in evaluating,</p> <p>16 monitoring, reviewing the 6502 Bolsa site?</p> <p>17 A. I don't know. We have not broken out</p> <p>18 the -- I have not broken out my time, nor am I aware</p> <p>19 Orange County Water District has broken out expenses</p> <p>20 exclusive to Shell 6502.</p> <p>21 Q. Do you have a breakdown of the amount</p> <p>22 spent with Komex for the 6502 Bolsa site?</p> <p>23 A. No, we do not.</p> <p>24 Q. Has OCWD done anything to determine</p> <p>25 which wells in the area reflected on Exhibit 89 may</p>
<p style="text-align: right;">Page 1514</p> <p>1 sites or other potential sources of MTBE in the area</p> <p>2 that are not reflected on Exhibit 89?</p> <p>3 A. There are other stations in this</p> <p>4 area, I'm sure of, but I don't know their names, and</p> <p>5 I can't tell you -- I don't have information with me</p> <p>6 to be able to identify where they are.</p> <p>7 Q. Were there any other sites or service</p> <p>8 stations in this area that you evaluated and ruled</p> <p>9 out as being potential sources of the contamination</p> <p>10 in the focus plume wells?</p> <p>11 A. Again, I can't recall which stations</p> <p>12 are in the area, their identities or their locations.</p> <p>13 And I don't know or can't tell you which stations</p> <p>14 I've evaluated that are not on this map.</p> <p>15 Q. You testified before the break as to</p> <p>16 the groundwater flow direction in the principal</p> <p>17 aquifer. I just want to be clear.</p> <p>18 Is it your testimony you cannot tell us the</p> <p>19 groundwater flow in the shallow aquifer in the area</p> <p>20 reflected on Exhibit 89?</p> <p>21 A. Not in all the area reflected on</p> <p>22 Exhibit 89. Only with regards to the localized area</p> <p>23 or site-specific areas for these different sites.</p> <p>24 In the case of 6502, the groundwater flow</p> <p>25 direction, as indicated in a report prepared by Wayne</p>	<p style="text-align: right;">Page 1516</p> <p>1 be acting as potential conduits for contamination?</p> <p>2 A. I'm sorry. Would you ask that -- I</p> <p>3 may have missed the first part of the question.</p> <p>4 Would you repeat the question for me, please.</p> <p>5 (Record read as follows: QUESTION: Has</p> <p>6 OCWD done anything to determine which wells in the</p> <p>7 area reflected on Exhibit 89 may be acting as</p> <p>8 potential conduits for contamination?)</p> <p>9 THE WITNESS: Not insofar as we have tested</p> <p>10 the wells, but we're still understanding the</p> <p>11 contaminant flow from the various sites, and</p> <p>12 eventually at least some of these wells are likely to</p> <p>13 be tested.</p> <p>14 BY MR. TEMKO:</p> <p>15 Q. When you say "these wells," what</p> <p>16 wells are you talking about?</p> <p>17 A. The wells that you mentioned.</p> <p>18 Potential wells that might be serving as conduits.</p> <p>19 Q. Have you done a survey of the area to</p> <p>20 determine potential conduits? In other words,</p> <p>21 abandoned wells, and the like?</p> <p>22 A. I searched our database. All of the</p> <p>23 well information the District has is contained in the</p> <p>24 District's database.</p> <p>25 Q. Has OCWD had any communication with</p>

<p style="text-align: right;">Page 1517</p> <p>1 the Orange County Health Care Agency regarding</p> <p>2 remediation activities at the 6502 Bolsa site?</p> <p>3 A. Not that I'm aware of.</p> <p>4 Q. Has OCWD had any communications with</p> <p>5 anyone at the Santa Ana Regional Water Quality</p> <p>6 Control Board regarding the remediation activities at</p> <p>7 the 6502 Bolsa site?</p> <p>8 A. Not that I'm aware of, and not that I</p> <p>9 recall.</p> <p>10 Q. Has OCWD had any communications with</p> <p>11 anyone at Shell concerning remediation activities at</p> <p>12 the 6502 Bolsa site?</p> <p>13 A. Not that I'm aware of.</p> <p>14 Q. Has anyone at OCWD had any</p> <p>15 communication with any of Shell's remediation</p> <p>16 consultants regarding the remediation activities at</p> <p>17 the site?</p> <p>18 A. Not that I'm aware of.</p> <p>19 Q. Has OCWD had any communications with</p> <p>20 anyone at the City of Huntington Beach regarding</p> <p>21 remediation activities at the 6502 Bolsa site?</p> <p>22 A. Not that I'm aware of.</p> <p>23 Q. Did OCWD have any communications with</p> <p>24 any other water producers in the area regarding the</p> <p>25 remediation activities at 6502 Bolsa?</p>	<p style="text-align: right;">Page 1519</p> <p>1 steps to address the remediation activities at the</p> <p>2 site?</p> <p>3 A. Oh. Well, we have -- we've evaluated</p> <p>4 ongoing remedial activities and determined whether</p> <p>5 they are capturing the plume, preventing the plume</p> <p>6 from migrating further, but it's part of the</p> <p>7 evaluation process, such -- so far most of our work</p> <p>8 has been what we call a Phase I evaluation in</p> <p>9 determining the state of contamination there and the</p> <p>10 activities.</p> <p>11 Q. Phase I meaning a desktop review?</p> <p>12 A. Mostly desktop review.</p> <p>13 Q. Has OCWD drawn any conclusions as to</p> <p>14 whether any of the remediation efforts undertaken at</p> <p>15 6502 Bolsa should not have been done?</p> <p>16 A. No. We have not determined that any</p> <p>17 of the remedial activities should not have been done,</p> <p>18 only that additional remedial activities could have</p> <p>19 been done.</p> <p>20 Q. What additional remedial activities</p> <p>21 should have been done, in your opinion?</p> <p>22 A. After the release occurred, the</p> <p>23 contaminated groundwater should have been prevented</p> <p>24 from migrating off site.</p> <p>25 MR. AXLINE: I'm going to object to asking</p>
<p style="text-align: right;">Page 1518</p> <p>1 A. Not that I'm aware of.</p> <p>2 Q. Has there ever been another detection</p> <p>3 of MTBE in HB-13 since the 0.17 micrograms per liter</p> <p>4 detection in 2005?</p> <p>5 A. Not that I'm aware of.</p> <p>6 Q. Has there ever been another MTBE</p> <p>7 detection in HB-7 since the 0.16 micrograms per liter</p> <p>8 detection in 2006?</p> <p>9 A. Excuse me. Not that I'm aware of.</p> <p>10 Q. Has OCWD taken any steps to remediate</p> <p>11 the contamination at the 6502 Bolsa site?</p> <p>12 A. No.</p> <p>13 Q. Has OCWD taken any steps to mitigate</p> <p>14 the contamination at 6502 Bolsa?</p> <p>15 A. I'm not sure what you mean by</p> <p>16 "mitigate."</p> <p>17 Q. Has OCWD taken any steps, short of</p> <p>18 engaging in its own remediation activities, to</p> <p>19 address the remediation activities at the site?</p> <p>20 A. I'm confused again. You said, "any</p> <p>21 steps short of remediation." I believe you're asking</p> <p>22 me whether we have taken any active remediation</p> <p>23 steps?</p> <p>24 Q. No. I said, short of engaging in</p> <p>25 your own active remediation, have you taken any other</p>	<p style="text-align: right;">Page 1520</p> <p>1 the witness, as a 30(b)(6) witness, for an opinion.</p> <p>2 He's not here to provide an opinion for the District.</p> <p>3 However, I will allow him to answer that question,</p> <p>4 based on his own personal knowledge and views.</p> <p>5 BY MR. TEMKO:</p> <p>6 Q. Has the District formed an opinion as</p> <p>7 to whether there were any instances where the</p> <p>8 District felt that the Orange County Health Care</p> <p>9 Agency response at 6502 Bolsa was somehow</p> <p>10 insufficient or inadequate?</p> <p>11 MR. AXLINE: Objection, vague.</p> <p>12 THE WITNESS: I don't know what the</p> <p>13 District's opinion might have been before I joined</p> <p>14 the District in 2005. We, in essence -- or the</p> <p>15 District, in essence, relied on the regulatory</p> <p>16 authority to oversee investigation and remediation</p> <p>17 activities at the site, and it is my understanding</p> <p>18 that the District determined that it needed to take</p> <p>19 some action in its own right when the oversight</p> <p>20 activities were not effectively preventing</p> <p>21 migration -- off-site migration of the contamination.</p> <p>22 And this brings us to where we are today.</p> <p>23 BY MR. TEMKO:</p> <p>24 Q. So that was a conclusion that was</p> <p>25 reached some time in or about 2005, when you joined</p>

<p style="text-align: right;">Page 1521</p> <p>1 the District?</p> <p>2 A. No. No. The dispute we're dealing</p> <p>3 with now was filed before I joined the District. So</p> <p>4 their conclusion that it was necessary to take some</p> <p>5 additional action above and beyond regulatory</p> <p>6 authority or oversight occurred before I joined the</p> <p>7 District.</p> <p>8 Q. And you're saying that the District</p> <p>9 made a decision that they needed to take some</p> <p>10 action -- some additional action to prevent</p> <p>11 contamination from going off site?</p> <p>12 A. To protect drinking water resources.</p> <p>13 Q. Can you explain, for the record, what</p> <p>14 steps, other than filing a lawsuit, OCWD has done --</p> <p>15 taken over the last four years to, as you put it,</p> <p>16 protect drinking water resources in plume 9?</p> <p>17 A. We have started to evaluate focus</p> <p>18 sites. We have looked at hundreds of sites and have</p> <p>19 narrowed our focus to the sites we're looking at</p> <p>20 today. And we're evaluating these sites trying to</p> <p>21 determine the fate and transport of contamination</p> <p>22 that's been released from these sites and the threat</p> <p>23 to water resources in the basin.</p> <p>24 Q. Other than continuing to evaluate, is</p> <p>25 it fair to say that OCWD has done nothing over the</p>	<p style="text-align: right;">Page 1523</p> <p>1 previously, is it fair to say you have no notion of a</p> <p>2 timetable as to when that whole process will be</p> <p>3 completed?</p> <p>4 A. That's correct.</p> <p>5 Q. Is it fair to say, that as you sit</p> <p>6 here today, OCWD has not made a determination as to</p> <p>7 what additional steps, if any, need to be taken in</p> <p>8 order to complete a satisfactory remediation of 6502</p> <p>9 Bolsa?</p> <p>10 A. We don't know what steps are going to</p> <p>11 be required to complete a remediation of Shell 6502,</p> <p>12 but we knew -- we do know some of the steps that will</p> <p>13 be taken to complete a satisfactory remediation of</p> <p>14 6502.</p> <p>15 MR. TEMKO: Can you read that back to me,</p> <p>16 please.</p> <p>17 (Record read as follows: ANSWER: We don't</p> <p>18 know what steps are going to be required to complete</p> <p>19 a remediation of Shell 6502, but we do know some of</p> <p>20 the steps that will be taken to complete a</p> <p>21 satisfactory remediation of 6502.)</p> <p>22 THE WITNESS: Does that make sense?</p> <p>23 MR. TEMKO: It doesn't to me. But there are</p> <p>24 brighter people in this room that may understand it.</p> <p>25 THE WITNESS: I apologize.</p>
<p style="text-align: right;">Page 1522</p> <p>1 last four years to, quote, prevent -- to protect</p> <p>2 drinking water resources in the area?</p> <p>3 A. We're monitoring the wells for</p> <p>4 impacts with TBA, and we're working to understand</p> <p>5 the fate and transport of the contamination that's</p> <p>6 been released into groundwater.</p> <p>7 It's a very complicated basin. The</p> <p>8 hydrogeology in the basin is complex, such that it</p> <p>9 takes a long time and a lot of effort to understand a</p> <p>10 lot of the details that we're looking at now. And</p> <p>11 we're in the middle of our evaluation, which will</p> <p>12 ultimately include modeling, fate and transport</p> <p>13 analysis, and some other activities that are part of</p> <p>14 the understanding process.</p> <p>15 And we will begin investigating installing</p> <p>16 our own wells and collecting our own samples from</p> <p>17 monitoring wells, not just the production wells, in</p> <p>18 time.</p> <p>19 And eventually we will get to remediation</p> <p>20 phases where we will have to design, install,</p> <p>21 implement and operation -- operate remediation</p> <p>22 systems at various sites where we think they are</p> <p>23 going to need to be applied.</p> <p>24 Q. And at the risk of asking a question</p> <p>25 that may have been asked by some of my colleagues</p>	<p style="text-align: right;">Page 1524</p> <p>1 We don't know exactly what the steps are</p> <p>2 going to be to complete a satisfactory remediation of</p> <p>3 6502, but we know what steps we are going to take</p> <p>4 to try to achieve -- we don't know -- let me</p> <p>5 restate that.</p> <p>6 We don't know what the final steps are going</p> <p>7 to be. We know what steps we are going to take to</p> <p>8 get to the final remediation.</p> <p>9 BY MR. TEMKO:</p> <p>10 Q. Or to put it another way, you know</p> <p>11 what steps you're going to take to continue this</p> <p>12 evaluation process?</p> <p>13 A. Thank you. Well, no. I said</p> <p>14 "remediation." You said, "evaluation process."</p> <p>15 Investigation and remediation, while there</p> <p>16 is some overlap, there is such thing as a remedial</p> <p>17 investigation, investigation for the purpose of</p> <p>18 remediation, but we're not investigating --</p> <p>19 <u>we're not conducting a remediation investigation</u></p> <p>20 <u>at this point in time.</u></p> <p>21 Eventually we will get into an</p> <p>22 investigation. We will start incorporating some</p> <p>23 remediation objectives with our investigation in</p> <p>24 mind, and eventually we will design, implement and</p> <p>25 operate a successful remediation system.</p>

<p style="text-align: right;">Page 1525</p> <p>1 Q. Have you told the Orange County 2 Health Care Agency what your plans are? 3 A. They are aware -- not specific plans. 4 They are aware we have litigation. They are aware we 5 are looking at these various sites and that we are 6 evaluating, ongoing investigation and remediation 7 activities at the various sites. 8 They know that eventually we will be 9 installing our own wells and conducting our own 10 monitoring and design, installing and implementing 11 our own remediation systems. 12 But we haven't discussed specific plans with 13 the Health Care Agency regarding Shell 6502. 14 Q. But you say the Orange County Health 15 Care Agency knows that eventually you're going to be 16 doing your own remediation at some sites? 17 A. Yes. 18 Q. And have you discussed with the 19 Orange County Health Care Agency the coordination 20 that would be involved in those efforts; that is, 21 coordination with the regulatory authority? 22 A. We haven't laid down any groundwork 23 for that coordination or discussion, but they know 24 that they are going to be part of the coordination. 25 Q. Is the Regional Board similarly aware</p>	<p style="text-align: right;">Page 1527</p> <p>1 being conducted at the site is capturing contaminated 2 groundwater, preventing it from moving further away 3 from the site. 4 Q. How much contamination escaped 5 remediation in OCWD's view? 6 A. I don't know. I neither know how 7 much contamination was released from the site or how 8 much has escaped the site. 9 Q. And if you don't know how much, is it 10 fair to say you are unable to say whether the 11 amount that in OCWD's view has escaped remediation is 12 significant? 13 A. Well, I don't know what you mean when 14 you say "significant." Significant to me means 15 meaningful. It's certainly -- contamination or the 16 MTBE and TBA was released into groundwater, it's a 17 fairly high concentrations, looked to be quite a bit 18 of it; it has migrated off site. And that is 19 meaningful, insofar that it has escaped capture by 20 remediation at the site. It's going to continue to 21 move into drinking water sources. 22 Q. Have you ever visited the site? 23 A. I don't recall whether I've been on 24 this site or not. There's a distinct possibility. I 25 just don't recall.</p>
<p style="text-align: right;">Page 1526</p> <p>1 of the fact that the Orange County health -- that the 2 Orange County Water District intends at some point, 3 at some sites, to conduct its own remediation? 4 A. I believe they are. 5 Q. And what's your basis for saying 6 that? 7 A. We've had similar conversations with 8 them. Specifically Ken Williams is aware we have a 9 dispute. We're evaluating these various sites, and 10 that we will eventually -- we will be conducting our 11 own -- installing our own wells, collecting our own 12 data, and designing and implementing remediation 13 systems at selected locations, and that we will be 14 keeping them apprised of all of our activities, 15 similar to Orange County Health Care Agency. 16 Q. And as with the Orange County Health 17 Care Agency, you have not yet laid any groundwork for 18 how that coordination would occur? 19 A. That's correct. 20 Q. What's the basis for OCWD's 21 contention that contamination has escaped remediation 22 at 6502 Bolsa? 23 A. Contamination has been detected in 24 off-site wells. And although I'm not a remediation 25 expert, it doesn't appear that remediation that's</p>	<p style="text-align: right;">Page 1528</p> <p>1 Q. Can you summarize for the record 2 every action that OCWD intends to take in the future 3 with respect to 6502 Bolsa? 4 A. I can't at this time. We haven't 5 decided which actions we're going to take. 6 I prepared a list of possible or probable 7 actions that we will take to investigate and 8 remediation a site, and that list of activities has 9 been submitted to you. 10 MR. TEMKO: I want to go off the record for 11 a second. 12 THE VIDEOGRAPHER: Going off the record. 13 The time is 11:04 a.m. 14 (Off the record.) 15 THE VIDEOGRAPHER: We are back on the 16 record. The time is 11:06 a.m. This marks the 17 beginning of video No. 2 in the deposition of 18 David P. Bolin. 19 BY MR. TEMKO: 20 Q. Mr. Bolin, I just have one or two 21 follow-up questions on the line of questioning we 22 were talking about before the break. 23 You mentioned that you had had discussions 24 with representatives of the Orange County Health Care 25 Agency regarding the fact that OCWD is, as you put</p>

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1 Please be advised I have read the foregoing
 2 deposition, and I state there are:
 3 (Check one) _____ NO CORRECTIONS
 4 _____ CORRECTIONS PER ATTACHED

5
 6
 7
 8 DAVID P. BOLIN
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1 REPORTER'S CERTIFICATE

2
 3 I certify that the witness in the foregoing
 4 deposition.

5 DAVID P. BOLIN

6 was by me duly sworn to testify in the within-entitled
 7 cause; that said deposition was taken at the time and
 8 place therein named; pages 1468 through 1590, of the
 9 testimony of said witness were reported by me, a duly
 10 Certified Shorthand Reporter of the State of
 11 California authorized to administer oaths and
 12 affirmations, and said testimony was thereafter
 13 transcribed into typewriting.

14 I further certify that I am not of counsel or
 15 attorney for either or any of the parties to said
 16 deposition, nor in any way interested in the outcome
 17 of the cause named in said deposition.

18 IN WITNESS WHEREOF, I have hereunto set my hand
 19 this 30th day of October, 2008.
 20
 21

22 _____
 23 SANDRA BUNCH VANDER POL, RMR, CRR
 24 Certified Shorthand Reporter
 25 Certificate No. 3032

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1 DEPONENT'S CHANGES OR CORRECTIONS

2 Note: If you are adding to your testimony, print the
 3 exact words you want to add. If you are deleting from
 4 your testimony, print the exact words you want to
 5 delete. Specify with "Add" or "Delete" and sign this
 6 form.

7 DEPOSITION OF: DAVID P. BOLIN, Volume 7

8 CASE: MTBE MDL (OCWD)

9 DATE OF DEPOSITION: OCTOBER 21, 2008

10 PAGE LINE CHANGE/ADD/DELETE

11 _____
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24 DEPONENT'S SIGNATURE _____

25 DATE _____

32 (Pages 1589 to 1591)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

Methyl Tertiary Butyl: Master File No. 1:00-1898
Ether ("MTBE") : MDL NO. 1358 (SAS)
Products Liability : M21-88
Litigation :

This Document Relates to:
Orange County Water District
v. Unocal Corporation, et al.,
S.D.N.Y. No. 04 Civ. 4968 (SAS)

CONFIDENTIAL
(Per 2004 MDL 1358 Order)

Wednesday, October 29, 2008

Videotaped Deposition of DAVID P. BOLIN,
Volume 8, OCWD'S 30(b)(6) DESIGNEE re Focus Plumes
5 and 8, held in the law offices of Latham &
Watkins, 650 Town Center Drive, Suite 2000, Costa
Mesa, California, beginning at 9:05 a.m., before
Sandra Bunch VanderPol, RPR, RMR, CRR, CSR #3032.

GOLKOW TECHNOLOGIES, INC.
877.370.3377 ph|917.591.5672 fax
deps@golkow.com

<p style="text-align: right;">Page 1813</p> <p>1 have I discussed it with them.</p> <p>2 Q. When have you met with Friedman and</p> <p>3 Bruya?</p> <p>4 A. I have never met with Friedman and</p> <p>5 Bruya.</p> <p>6 Q. When have you talked with Friedman</p> <p>7 and Bruya?</p> <p>8 A. Let's see. I can't -- I can't</p> <p>9 identify specific dates. Within the last several</p> <p>10 months. At some time I talked with them over the</p> <p>11 phone.</p> <p>12 Q. About --</p> <p>13 A. Several times.</p> <p>14 Q. What was the subject matter of those</p> <p>15 conversations?</p> <p>16 A. Testing water samples.</p> <p>17 Q. Okay. And what did you all discuss</p> <p>18 regarding testing water samples?</p> <p>19 A. That we would be sending them some</p> <p>20 water samples for them to test for the presence of</p> <p>21 MTBE.</p> <p>22 Q. Okay. And did you send them water</p> <p>23 samples?</p> <p>24 A. I specifically did not, but our staff</p> <p>25 did.</p>	<p style="text-align: right;">Page 1815</p> <p>1 area, and so I haven't reviewed their procedures</p> <p>2 or protocol.</p> <p>3 Q. Why was only Friedman and Bruya data</p> <p>4 in your binder instead of WRMS data?</p> <p>5 A. Friedman and Bruya is able to test at</p> <p>6 lower concentrations that -- than our own</p> <p>7 laboratory is able to test at, and so we've retained</p> <p>8 Friedman and Bruya to do our testing for us for a lot</p> <p>9 of these samples.</p> <p>10 Q. I've noticed in some of the other</p> <p>11 plume depositions we've had, you've actually had the</p> <p>12 WRMS data. Do you just include that for the ones in</p> <p>13 which there's no Friedman and Bruya data?</p> <p>14 A. In some cases. In some cases where</p> <p>15 we've actually had detections, we report those</p> <p>16 detections and identify which wells have been had --</p> <p>17 have had MTBE detected in them.</p> <p>18 Q. If we can turn back to Exhibit 109,</p> <p>19 please. On page No. 3, starting with --</p> <p>20 A. Yes.</p> <p>21 Q. -- question 2. Why hasn't the</p> <p>22 <u>District provided any comments or suggestions to the</u></p> <p>23 <u>relevant regulatory agencies overseeing remediation</u></p> <p>24 <u>at the sites in focus plume 8?</u></p> <p>25 A. I don't have an answer for that. I</p>
<p style="text-align: right;">Page 1814</p> <p>1 Q. And there were water samples from</p> <p>2 which wells; do you remember?</p> <p>3 A. No. I don't recall exactly which</p> <p>4 wells. There's a long list of wells that we will</p> <p>5 be testing, and I can't tell you off the top of my</p> <p>6 head which wells we've tested.</p> <p>7 Q. And is that the way it works, OCWD</p> <p>8 actually collects the samples and sends them off to</p> <p>9 Friedman and Bruya to be tested?</p> <p>10 A. Yes.</p> <p>11 Q. And with whom at Friedman and Bruya</p> <p>12 did you have these conversations?</p> <p>13 A. I can't remember the name of the</p> <p>14 individual. I want to say it was Michael somebody.</p> <p>15 I don't recall his name.</p> <p>16 Q. But have you ever had a discussion</p> <p>17 with anyone at Friedman and Bruya about specific</p> <p>18 results they obtained for testing of wells involved</p> <p>19 in this litigation?</p> <p>20 A. I don't recall discussing any</p> <p>21 specific well results -- well test results.</p> <p>22 Q. Have you had any conversations with</p> <p>23 Friedman and Bruya generally about the way they</p> <p>24 sample or the validity of their results?</p> <p>25 A. No. I'm not an expert in this</p>	<p style="text-align: right;">Page 1816</p> <p>1 can't be specific as to why the District has not had</p> <p>2 <u>that discussion with the Water Board, I guess, in</u></p> <p>3 <u>this case.</u></p> <p>4 Q. Does the District contend that the</p> <p>5 remediation that is proceeding at the stations in</p> <p>6 focus plume 8 should be conducted differently?</p> <p>7 MR. SAWYER: Okay. I've got a problem with</p> <p>8 contention questions in a deposition. They are</p> <p>9 improper. And I believe it also violates the special</p> <p>10 master's pretrial order No. 11, which said that</p> <p>11 contention questions are improper.</p> <p>12 So I will work with Counsel to deal with it,</p> <p>13 but I would appreciate it if you would try to</p> <p>14 rephrase the question to avoid the objection.</p> <p>15 BY MR. CORRELL:</p> <p>16 Q. For Chevron 1921, does the District</p> <p>17 believe that contamination has escaped remediation?</p> <p>18 A. Let me refer to my notes.</p> <p>19 Q. And let me say I'm going to go over</p> <p>20 Chevron 1921 in much more detail later. But just at</p> <p>21 the general level, as a general question, does the</p> <p>22 District believe that remediation has escaped the</p> <p>23 contamination -- MTBE contamination escaped</p> <p>24 remediation at Chevron 1921?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 1817</p> <p>1 Q. Given that fact, why hasn't the</p> <p>2 District contacted the Regional Board overseeing</p> <p>3 remediation and make suggestions as to how to prevent</p> <p>4 contamination from escaping remediation?</p> <p>5 A. I don't have an answer for that.</p> <p>6 Q. If -- going to question 3. The</p> <p>7 question was: <u>Has the District communicated with any</u></p> <p>8 <u>of its member agencies concerning the release of MTBE</u></p> <p>9 <u>containing gasoline from, and then it lists the five</u></p> <p>10 <u>stations. And the answer is, "No."</u></p> <p>11 And my question to you is: Why not?</p> <p>12 A. I don't have an answer for that</p> <p>13 either. That's not my authority.</p> <p>14 Q. The member -- who are the</p> <p>15 member agencies, if you will, of OCWD?</p> <p>16 A. I can't list them all.</p> <p>17 Q. Just generally.</p> <p>18 A. The City of Santa Ana. The City of</p> <p>19 Anaheim. The City of Fullerton. Irvine Ranch Water</p> <p>20 District. City of Fountain Valley. City of Garden</p> <p>21 Grove. City of Huntington Beach. City of</p> <p>22 Costa Mesa. The City of Tustin. The list goes on.</p> <p>23 I -- twenty-something.</p> <p>24 Q. Water purveyors?</p> <p>25 A. Yes. Water utility companies, water</p>	<p style="text-align: right;">Page 1819</p> <p>1 Q. Okay. I now have a more specific</p> <p>2 question. As I understand it, there are four Irvine</p> <p>3 Ranch Water District wells in plume 8, because the</p> <p>4 District believes that those wells are threatened</p> <p>5 with MTBE contamination, correct?</p> <p>6 MR. SAWYER: You are saying there's four</p> <p>7 because they believe it's threatened?</p> <p>8 MR. CORRELL: Exactly. We go -- I'm trying</p> <p>9 not to replot old ground.</p> <p>10 MR. SAWYER: If you think about the</p> <p>11 question, you're saying four wells exist because</p> <p>12 they --</p> <p>13 MR. CORRELL: No, they --</p> <p>14 MR. SAWYER: -- believe they are threatened?</p> <p>15 MR. CORRELL: No. That are in plume 8.</p> <p>16 MR. SAWYER: That wasn't your question.</p> <p>17 MR. CORRELL: I'm sorry.</p> <p>18 MR. SAWYER: That's all right.</p> <p>19 MR. CORRELL: Very clear.</p> <p>20 Q. Plume 8 includes four Irvine Ranch</p> <p>21 Water District wells because OCWD thinks those wells</p> <p>22 may be threatened with MTBE contamination, correct?</p> <p>23 A. Well, I was -- we were talking about</p> <p>24 how were the wells designated for plume 8. But</p> <p>25 there's more than just these wells that are</p>
<p style="text-align: right;">Page 1818</p> <p>1 production companies.</p> <p>2 Q. Why hasn't OCWD warned these water</p> <p>3 providers that the wells in focus plume 8 may be</p> <p>4 threatened with MTBE contamination?</p> <p>5 A. I don't know that they haven't. I do</p> <p>6 believe that they know that the wells are threatened</p> <p>7 with MTBE contamination.</p> <p>8 Q. Well, why -- that's interesting.</p> <p>9 Let's break that down in two parts.</p> <p>10 First of all, has the District warned --</p> <p>11 what is it? -- Irvine Ranch Water District of the</p> <p>12 threat to contamination of four of its drinking water</p> <p>13 wells in plume 8?</p> <p>14 A. I don't know what context the</p> <p>15 District has communicated to Irvine Ranch Water</p> <p>16 District the risk of their wells to the MTBE</p> <p>17 contamination.</p> <p>18 I don't know that they have specifically</p> <p>19 identified these four wells as being a specific risk</p> <p>20 to MTBE contamination. But I know that Irvine --</p> <p>21 that Orange County Water District has talked to all</p> <p>22 the producers about risk of MTBE contamination to</p> <p>23 their wells.</p> <p>24 Q. In general?</p> <p>25 A. In general.</p>	<p style="text-align: right;">Page 1820</p> <p>1 threatened for MTBE contamination. There's more than</p> <p>2 just these sites that have released MTBE into</p> <p>3 groundwater. These are the sites that have been</p> <p>4 designated for plume 8, and these are the wells that</p> <p>5 have been designated for wells associated with those</p> <p>6 sites.</p> <p>7 Now, there are -- there's a lot of</p> <p>8 contamination out there, and in general terms the</p> <p>9 District has had -- has talked about MTBE</p> <p>10 contamination in the basin. And in some cases, you</p> <p>11 know, it's probably been talked about in closed</p> <p>12 session, and our, you know, producers are familiar</p> <p>13 with all of that. But I'm not privileged to all of</p> <p>14 those conversations, so I can't comment on all the</p> <p>15 communication that's transpired.</p> <p>16 Q. Does the District believe that Irvine</p> <p>17 Ranch Water District Wells 1, 9, 4 and 8 are</p> <p>18 threatened with MTBE contamination?</p> <p>19 A. I'm sorry. My mind wandered. Did</p> <p>20 you say does Irvine Ranch --</p> <p>21 Q. I will just reask it.</p> <p>22 Does OCWD believe that Irvine Ranch Water</p> <p>23 District Wells 1, 4, 8 and 9 are threatened with MTBE</p> <p>24 contamination?</p> <p>25 A. Yes.</p>

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Page 1865	Page 1867
<p>1 Please be advised I have read the foregoing</p> <p>2 deposition, and I state there are:</p> <p>3 (Check one) _____ NO CORRECTIONS</p> <p>4 _____ CORRECTIONS PER ATTACHED</p> <p>5</p> <p>6</p> <p>7 _____</p> <p>8 DAVID P. BOLIN</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 REPORTER'S CERTIFICATE</p> <p>2</p> <p>3 I certify that the witness in the foregoing</p> <p>4 deposition.</p> <p>5 DAVID P. BOLIN</p> <p>6 was by me duly sworn to testify in the within-entitled</p> <p>7 cause; that said deposition was taken at the time and</p> <p>8 place therein named; pages 1592 through 1867 of the</p> <p>9 testimony of said witness were reported by me, a duly</p> <p>10 Certified Shorthand Reporter of the State of</p> <p>11 California authorized to administer oaths and</p> <p>12 affirmations, and said testimony was thereafter</p> <p>13 transcribed into typewriting.</p> <p>14 I further certify that I am not of counsel or</p> <p>15 attorney for either or any of the parties to said</p> <p>16 deposition, nor in any way interested in the outcome</p> <p>17 of the cause named in said deposition.</p> <p>18 IN WITNESS WHEREOF, I have hereunto set my hand</p> <p>19 this 8th day of November, 2008.</p> <p>20</p> <p>21</p> <p>22 _____</p> <p>23 SANDRA BUNCH VANDER POL, RMR, CRR</p> <p>24 Certified Shorthand Reporter</p> <p>25 Certificate No. 3032</p>
<p style="text-align: center;">Page 1866</p> <p>1 DEPONENT'S CHANGES OR CORRECTIONS</p> <p>2 Note: If you are adding to your testimony, print the</p> <p>3 exact words you want to add. If you are deleting from</p> <p>4 your testimony, print the exact words you want to</p> <p>5 delete. Specify with "Add" or "Delete" and sign this</p> <p>6 form.</p> <p>7 DEPOSITION OF: DAVID P. BOLIN, Volume 8</p> <p>8 CASE: MTBE MDL (OCWD)</p> <p>9 DATE OF DEPOSITION: October 29, 2008</p> <p>10 PAGE LINE CHANGE/ADD/DELETE</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 DEPONENT'S SIGNATURE _____</p> <p>25 DATE _____</p>	

70 (Pages 1865 to 1867)

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

Methyl Tertiary Butyl: Master File No. 1:00-1898
Ether ("MTBE") : MDL NO. 1358 (SAS)
Products Liability : M21-88
Litigation :

This Document Relates to:
Orange County Water District
v. Unocal Corporation, et al.,
S.D.N.Y. No. 04 Civ. 4968 (SAS)

CONFIDENTIAL
(Per 2004 MDL 1358 Order)

Thursday, October 30, 2008

Videotaped Deposition of DAVID P. BOLIN,
Volume 9, OCWD'S 30(b)(6) DESIGNEE re Focus Plumes
8 and 4, held in the law offices of Latham &
Watkins, 650 Town Center Drive, Suite 2000, Costa
Mesa, California, beginning at 8:28 a.m., before
Sandra Bunch VanderPol, RPR, RMR, CRR, CSR #3032.

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1 MR. CORRELL: Yeah, I think it's on the top.
 2 I think we will have two copies of it.
 3 It's not that important, Mr. Bolin. It
 4 won't be the first time we have two copies of a
 5 document.
 6 Q. Going on to Exhibit 112. You say,
 7 "Groundwater conduits are nearby, open paren,
 8 potential migration path from shallow saturated zones
 9 to deeper saturated zones." Do you see that?
 10 A. Yes, I do.
 11 Q. Have you seen, in your review of the
 12 file, any evidence that, in fact, MTBE has gone down,
 13 any one of these contaminants, into the deeper zone?
 14 MR. SAWYER: Objection. Overly broad.
 15 Vague and ambiguous.
 16 THE WITNESS: No. We don't have that
 17 information as yet, but we are still evaluating this
 18 site. It's a complicated site in a complicated area.
 19 So we are not finished with our evaluation. I'm
 20 acknowledging here that -- or making note that
 21 there are a variety of wells in the area that are
 22 potential conduits for cross contamination.
 23 BY MR. CORRELL:
 24 Q. How long has the District been
 25 evaluating this site?

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1 A. Hmm --
 2 MR. SAWYER: Objection. Vague and ambiguous
 3 as to the term "evaluation."
 4 THE WITNESS: It depends on how you define
 5 the "beginning of our evaluation."
 6 I don't know when the District actually
 7 became aware of this site. I think I became aware --
 8 I became aware of this site some time after I joined
 9 the District in 2005. And I don't know -- I can't
 10 state exactly when it became one of the focus sites.
 11 Some time after that.
 12 BY MR. CORRELL:
 13 Q. Okay. It was -- if I remember your
 14 testimony, it was one of the 80 sites that Komex
 15 assembled before selecting the 40?
 16 A. No, I don't think that --
 17 MR. SAWYER: I think you mis -- let me
 18 just -- you misstated his testimony.
 19 MR. CORRELL: That's why I'm asking.
 20 MR. SAWYER: Then objection, asked and
 21 answered.
 22 THE WITNESS: No, I don't recall stating
 23 that this is one of the original sites, the first
 24 cut, if you will, of sites that Komex had identified.
 25 This was not one of the sites that ultimately became

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1 one of the 40 sites that Komex had evaluated. It was
 2 some time after that.
 3 So I can't recall exactly when in that time
 4 frame that this became a focus site when we started
 5 evaluating.
 6 BY MR. CORRELL:
 7 Q. Okay. And how long do you estimate
 8 the District's evaluation of this site will last
 9 going forward?
 10 MR. SAWYER: Objection, calls for
 11 speculation.
 12 THE WITNESS: I don't know. We are
 13 going to retain some experts to help us with
 14 evaluating these sites, and we have experts working
 15 on it now. But I don't know when we will have all
 16 the answers we want.
 17 BY MR. CORRELL:
 18 Q. And you said it was a complicated
 19 site. What makes it complicated?
 20 A. This part of the basin is called the
 21 pressure zone. The pressure zone has interbedded
 22 saturation zones with some higher and lower
 23 permeability zones, and groundwater movement in this
 24 area is complicated through these various zones by
 25 the number of production wells that pump

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1 intermittently throughout the year. Many of them are
 2 seasonal. Sometimes they pump during the wet season
 3 and don't. Some other wells will pump all year long.
 4 It's very complicated hydrogeology as a result.
 5 Q. When you say "this part of the
 6 basin," what -- is there a name for this part of the
 7 basin?
 8 A. Well, we're referring to it as the
 9 pressure zone.
 10 Q. And how far does the pressure zone
 11 extend? And if you could just generally describe the
 12 boundaries for me.
 13 A. Generally, the pressure zone is -- it
 14 has a -- it goes to the coast and extends inland
 15 about halfway through the basin, perhaps a little bit
 16 more.
 17 Q. And all five sites in focus plume 8
 18 would then be in the pressure zone?
 19 A. That's correct.
 20 Q. And so all five would be complicated
 21 sites?
 22 A. That's correct.
 23 Q. What was the date on Exhibit 114
 24 again, sir?
 25 A. 114 is May 22nd, 2008.

8 (Pages 1893 to 1896)

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<p style="text-align: right;">Page 2173</p> <p>1 We are off the record at 5:23 p.m. 2 (The deposition was concluded on this day at 3 5:23 p.m.) 4 --o0o-- 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 2175</p> <p>1 DEPONENT'S CHANGES OR CORRECTIONS 2 Note: If you are adding to your testimony, print the 3 exact words you want to add. If you are deleting from 4 your testimony, print the exact words you want to 5 delete. Specify with "Add" or "Delete" and sign this 6 form. 7 DEPOSITION OF: DAVID P. BOLIN, Volume 9 8 CASE: MTBE MDL (OCWD) 9 DATE OF DEPOSITION: OCTOBER 30, 2008 10 PAGE LINE CHANGE/ADD/DELETE 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 _____ 21 _____ 22 _____ 23 _____ 24 DEPONENT'S SIGNATURE _____ 25 DATE _____</p>
<p style="text-align: right;">Page 2174</p> <p>1 Please be advised I have read the foregoing 2 deposition, and I state there are: 3 (Check one) _____ NO CORRECTIONS 4 _____ CORRECTIONS PER ATTACHED 5 6 7 8 _____ 9 DAVID P. BOLIN 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 2176</p> <p>1 REPORTER'S CERTIFICATE 2 3 I certify that the witness in the foregoing 4 deposition. 5 DAVID P. BOLIN 6 was by me duly sworn to testify in the within-entitled 7 cause; that said deposition was taken at the time and 8 place therein named; pages 1869 through 2176 of the 9 testimony of said witness were reported by me, a duly 10 Certified Shorthand Reporter of the State of 11 California authorized to administer oaths and 12 affirmations, and said testimony was thereafter 13 transcribed into typewriting. 14 I further certify that I am not of counsel or 15 attorney for either or any of the parties to said 16 deposition, nor in any way interested in the outcome 17 of the cause named in said deposition. 18 IN WITNESS WHEREOF, I have hereunto set my hand 19 this 8th day of November, 2008. 20 21 22 23 SANDRA BUNCH VANDER POL, RMR, CRR 24 Certified Shorthand Reporter 25 Certificate No. 3032</p>

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

_____ X

In re: Methyl Tertiary Butyl Ether
("MTBE") Products Liability Litigation

_____ X

Master File No. 1:00-1898

MDL No. 1358 (SAS)

M21-88

_____ X

CONFIDENTIAL (Per 2004 MDL 1358 Order)

VIDEOTAPED 30(b)(6) DEPOSITION OF

David P. Bolin

November 6, 2008

Taken at 650 Town Center Drive,
20th Floor, Costa Mesa, California, before
Harry A. Palter, California Certified
Shorthand Reporter No. 7708, Certified
LiveNote Reporter.

GOLKOW TECHNOLOGIES, INC.
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deps@golkow.com

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Page 2796	Page 2798
<p>1 particular site investigation. 2 I think the contamination 3 has escaped -- remediation has 4 escaped the site and is still out 5 there. 6 BY MR. ANDERSON: 7 Q. When did you come to that 8 conclusion? 9 A. I can't give you a specific 10 date. 11 It was the result of my 12 evaluation of this site. 13 Q. Was it in the last year? 14 A. Well, I can't give you a 15 specific date. 16 It was sometime after I began 17 looking at this site, and I can't be certain 18 of when, exactly, that was. 19 It was within the last three 20 years. 21 Q. Have you told any regulatory 22 agency that you've come to that conclusion? 23 A. I don't recall having any 24 conversations with any regulatory agencies</p>	<p>1 object as vague and ambiguous. 2 Are you talking about this 3 lawsuit and the fact you're 4 conducting discovery? 5 You've got representatives 6 of Unocal here responsible for 7 this site? 8 MR. ANDERSON: I'm talking 9 about the conclusion that the 10 remediation hasn't been working. 11 MR. SAWYER: Well, same 12 objection. 13 THE WITNESS: No. 14 We haven't told Unocal that 15 their remediation isn't working. 16 There are some things that, 17 so painfully obvious, that some 18 conclusions speak for themselves. 19 The fact there's offsite 20 contamination here, and they are 21 still conducting soil vapor 22 extraction, the fact that Orange 23 County Health Care Agency has 24 denied closure on two occasions,</p>
Page 2797	Page 2799
<p>1 about this site, specifically. 2 Q. Does OCWD know how it would 3 propose remediating the contamination at this 4 site? 5 MR. SAWYER: Objection. 6 Calls for speculation. 7 Lack of foundation. 8 Also, object to the extent 9 it seeks disclosure of expert 10 consultants. 11 THE WITNESS: We have yet 12 to retain some expertise to help 13 us with evaluating remedial 14 alternatives for this site. 15 That's yet to be done, so we 16 currently don't have a specific 17 plan as to how this site would be 18 remediated. 19 BY MR. ANDERSON: 20 Q. And I take it if you never 21 corresponded with Unocal about this site, 22 then you haven't told them about this 23 conclusion, as well; correct? 24 MR. SAWYER: Well, let me</p>	<p>1 the first being in 2003, because 2 the client's consultant made a 3 statement to the effect that they 4 figured it was clean enough. And 5 then again in 2005 -- no, I'm 6 sorry -- in 2007. 7 And then eventually, 8 finally, in January -- excuse 9 me -- in January of 2007, the 10 Health Care Agency issued a Notice 11 of Violation for some violations 12 having to do with inspection, not 13 the cleanup of the site, but 14 there are just some things 15 that speak for themselves. 16 MR. ANDERSON: I want to 17 talk about a lot of things right 18 there, but let me go ahead and 19 hand you what's been marked as 20 Exhibit 180. 21 It's your notes. 22 I already marked that. 23 That's not what I'm going 24 to talk about right now, actually.</p>

7 (Pages 2796 to 2799)

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<p style="text-align: right;">Page 2992</p> <p>1 evaluation of this site for us.</p> <p>2 Q. Was Komex assigned to do an</p> <p>3 evaluation of this study, or were they never</p> <p>4 even asked?</p> <p>5 I'm sorry, of this station, or</p> <p>6 were they never even asked?</p> <p>7 A. This was not one of the</p> <p>8 stations that was part of their scope of work</p> <p>9 for their evaluations.</p> <p>10 Q. Is there a reason that</p> <p>11 Mobil 18-G6B was not included in the first</p> <p>12 round of evaluations for Komex?</p> <p>13 MR. SAWYER: Just object on</p> <p>14 the grounds it's been asked and</p> <p>15 answered several times.</p> <p>16 THE WITNESS: I don't</p> <p>17 recall why this one was not</p> <p>18 selected for that first round. I</p> <p>19 don't recall. I just simply don't</p> <p>20 know.</p> <p>21 It was -- there were too</p> <p>22 many stations all -- to do all at</p> <p>23 once. We had to narrow them down.</p> <p>24 And for whatever reason,</p>	<p style="text-align: right;">Page 2994</p> <p>1 mark the question.</p> <p>2 You can answer it, subject</p> <p>3 to my prior objections.</p> <p>4 THE WITNESS: We're in the</p> <p>5 process of completing an analysis</p> <p>6 now. And Hargis will do a -- an</p> <p>7 evaluation similar to Komex's</p> <p>8 evaluations of other sites.</p> <p>9 So that -- in that context,</p> <p>10 we have an ongoing evaluation or</p> <p>11 investigation going.</p> <p>12 BY MS. ROY</p> <p>13 *Q* Other than the retention of</p> <p>14 <u>Hargis, has OCWD done any other sort of</u></p> <p>15 <u>investigation with respect to Mobil 18-G6B?</u></p> <p>16 <u>MR. SAWYER: Objection.</u></p> <p>17 <u>Asked and answered in the</u></p> <p>18 <u>last deposition, and now this is</u></p> <p>19 <u>the second or third time he's</u></p> <p>20 <u>answering it in this question.</u></p> <p>21 <u>I ask the court reporter to</u></p> <p>22 <u>mark the question.</u></p> <p>23 <u>Vague, ambiguous.</u></p> <p>24 <u>Asked and answered</u></p>
<p style="text-align: right;">Page 2993</p> <p>1 this was not selected for that</p> <p>2 first round, and Exxon 4283 was.</p> <p>3 BY MS. ROY</p> <p>4 *Q* Did OCWD use any other</p> <p>5 consultant to analyze Mobil 18-G6B?</p> <p>6 MR. SAWYER: I'll instruct</p> <p>7 him not to answer to the extent it</p> <p>8 seeks the disclosure of expert</p> <p>9 consultants.</p> <p>10 THE WITNESS: We have a</p> <p>11 current consultant that will be</p> <p>12 evaluating Mobil 18-G6B,</p> <p>13 Hargis+Associates, which we've</p> <p>14 alluded to before.</p> <p>15 We did -- we have not had</p> <p>16 another consultant to do that for</p> <p>17 us.</p> <p>18 BY MS. ROY</p> <p>19 *Q* Has OCWD done any of its own</p> <p>20 investigation of Mobil 18-G6B?</p> <p>21 MR. SAWYER: Objection.</p> <p>22 Asked and answered several</p> <p>23 times.</p> <p>24 I ask the court reporter to</p>	<p style="text-align: right;">Page 2995</p> <p>1 <u>THE WITNESS: The District</u></p> <p>2 <u>staff -- me -- has evaluated files</u></p> <p>3 <u>and worked to understand the</u></p> <p>4 <u>generally hydrogeology at this</u></p> <p>5 <u>site and history of MTBE and TBA</u></p> <p>6 <u>occurrence at the site.</u></p> <p>7 <u>I mean, that -- we've</u></p> <p>8 <u>done -- that's part of the</u></p> <p>9 <u>investigation, but I'm still not</u></p> <p>10 <u>certain that's answering your</u></p> <p>11 <u>question.</u></p> <p>12 BY MS. ROY:</p> <p>13 Q. Well, I understand that</p> <p>14 you've done the sort of review of regulatory</p> <p>15 files that we've talked about with respect to</p> <p>16 other stations.</p> <p>17 I'm just wondering if there was</p> <p>18 anything additional particular to this</p> <p>19 station that OCWD has engaged in, aside from</p> <p>20 sort of its general study of the basin</p> <p>21 and analysis of MTBE.</p> <p>22 MR. SAWYER: Vague and</p> <p>23 ambiguous.</p> <p>24 THE WITNESS: We have not</p>

56 (Pages 2992 to 2995)

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<p style="text-align: right;">Page 2996</p> <p>1 drilled wells or selected a 2 remedial technology or designed a 3 remediation system or put together 4 a fixed schedule for installing 5 and operating a remediation 6 system. 7 We haven't done any of 8 those things, which will probably 9 be coming in time, but we don't -- 10 we haven't done that yet. 11 MS. ROY: All right. 12 The next document I'd like 13 to mark as an exhibit -- it will 14 be 192. 15 And Mr. Bolin, these are 16 the notes that you handed me this 17 morning. 18 --- 19 (Whereupon, Exhibit 192, Mobil #18-G6B 20 report, was marked for identification) 21 --- 22 MR. SAWYER: Thank you. 23 BY MS. ROY: 24 Q. Mr. Bolin, just for the record,</p>	<p style="text-align: right;">Page 2998</p> <p>1 MW-6S, yes. 2 Q. And the bottom lines of that 3 section appear to have what appear to be 4 handwritten lines slashing out zeros. 5 Do you see that? 6 A. I do. 7 Q. Is that something you -- 8 you applied to the document? 9 A. I did. 10 I saw that this morning. 11 Q. That was just a typo; 12 am I correct? 13 A. That's a typographical error. 14 MR. SAWYER: I don't think 15 we'll get to the year 20,016. 16 THE WITNESS: 20,016. 17 MS. ROY: Let's take a 18 break. 19 We've been going for about 20 an hour. 21 Let me regroup a little, 22 and we'll finish it off. 23 MR. SAWYER: Thank you. 24 THE WITNESS: Thank you.</p>
<p style="text-align: right;">Page 2997</p> <p>1 can you confirm what Exhibit 192 is, please. 2 A. These appear to be summary 3 notes that I compiled in preparation for the 4 deposition today for Mobil station 18-G6B. 5 Q. And did you have any assistance 6 in preparing these notes? 7 A. Well, I had assistance in 8 compiling the documents, putting the 9 documents together. But the notes are all 10 mine. 11 Q. And when you say, "the 12 documents," you're talking about pulling 13 copies of the maps that are attached; am I 14 correct? 15 A. The maps, and then the 16 documents that I reviewed in preparing for 17 the deposition. 18 Q. Looking towards the bottom of 19 your notes, on the first page, the heading is 20 offsite well MW-6S in W direction. 21 Do you see that? 22 It's in bold. 23 And then -- 24 A. Yes, MW-S -- okay.</p>	<p style="text-align: right;">Page 2999</p> <p>1 THE VIDEOGRAPHER: Going 2 off the record. 3 The time is 2:07 P.M. 4 (Off the record: 2:07 P.M.-2:25 P.M.) 5 THE VIDEOGRAPHER: We're 6 back on the record. 7 The time is 2:25 P.M. 8 BY MS. ROY: 9 Q. Mr. Bolin, going back to 10 Exhibit 192, your notes for Mobil G6B -- 11 A. Hmm-hmm. 12 Q. -- I just have one last 13 question. 14 If you turn to the second 15 page -- it's sort of the last entry in the 16 chronology that you have at the top -- it 17 says, "June 6, TBA spike in MW-1," and then, 18 "New Releases?" in all caps with a question 19 mark? 20 A. Yes. 21 Q. Can you tell me what you meant 22 by that notation? 23 A. In -- let me refer to the 24 document that I think I was looking at.</p>

57 (Pages 2996 to 2999)

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<p style="text-align: right;">Page 3024</p> <p>1 18-G6B. 2 And as you asked that 3 question, presently in the context 4 of Exxon station number 4283, my 5 answer is exactly the same. 6 BY MS. ROY: 7 Q. All right. 8 With respect to both stations 9 or either station, do you believe that any 10 other regulatory body should have done 11 anything differently with respect to these 12 two stations? 13 MR. SAWYER: The way you've 14 phrased it, it's a compound 15 question. 16 It's vague, ambiguous. 17 Failed to specify the 18 regulatory agencies he's referring 19 to; therefore, it calls for 20 speculation. 21 Overly broad. 22 THE WITNESS: No. 23 In actuality, when I'm 24 talking about the lead agency's</p>	<p style="text-align: right;">Page 3026</p> <p>1 Has OCWD had any communication 2 with the Regional Board with respect to Exxon 3 4283? 4 A. Not to my knowledge, and not 5 that I recall. 6 Q. Has OCWD had any communication 7 with the Orange County Health Care Agency 8 about Mobil 18-G6B? 9 A. No. 10 Not to my knowledge, and not 11 that I recall. 12 Q. Okay. 13 What about with respect to 14 Exxon 4283? 15 A. No. 16 It's the same answer there, as 17 well: not to my knowledge. 18 Q. Has OCWD had any communication 19 with anyone at the California Department of 20 Public Health with respect to Mobil 18-G6B? 21 A. No. 22 Q. Okay. 23 With respect to 42 -- Exxon 24 4283?</p>
<p style="text-align: right;">Page 3025</p> <p>1 oversight, I don't have any 2 different opinion. 3 My answer would not be 4 different for any other regulatory 5 agency that might have been 6 involved overseeing any one of 7 these sites, at all. 8 BY MS. ROY: 9 Q. Okay. 10 All right. 11 Now I want to run through a 12 series of questions with you just related to 13 OCHCA's communications with other entities. 14 See if we can knock these off 15 pretty quickly. 16 A. Okay. 17 Q. <u>Has OCHCA had any communication</u> 18 <u>with the Santa Ana Regional Water Quality</u> 19 <u>Control Board with respect to Mobil G6B --</u> 20 <u>18-G6B?</u> 21 A. <u>Not to my knowledge.</u> 22 Not to my knowledge. 23 Not that I recall. 24 Q. Okay.</p>	<p style="text-align: right;">Page 3027</p> <p>1 A. No. 2 Q. Has OCWD had any communication 3 with any other regulator regarding either of 4 these two stations? 5 A. Not to my knowledge. 6 *Q* Has OCWD had any communication 7 with any water user or water purveyor 8 regarding Mobil 18-G6B? 9 MR. SAWYER: Just object to 10 the extent it's been asked and 11 answered several times. 12 Ask the court reporter to 13 mark the question. 14 THE WITNESS: This 15 question's been posed for all the 16 other sites, as well. 17 And except in the context 18 that communications or -- at the 19 producers' meeting, there was a 20 discussion about the occurrence of 21 MTBE in the basin. 22 The producers certainly are 23 aware of ongoing litigation 24 regarding MTBE; and that MTBE has</p>

64 (Pages 3024 to 3027)

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Page 3084	Page 3086
<p>1 sites down into a manageable number, which 2 Komex started off with 40 sites. 3 This was not one of the 40 4 sites at that time. 5 It might have become one of the 6 later sites, but it was not one of those 40 7 sites we finally boiled them down to. 8 But it is one of the sites 9 we're looking at now. 10 And had we been able to 11 continue with Komex, this would be a site 12 that Komex would have reported on. 13 But since Komex is not allowed 14 to work with the District anymore, because 15 Komex had merged with Worley Parsons, and 16 Worley Parsons -- many of Worley Parsons' 17 clients are the many defendants involved in 18 this case, and that Komex and Worley Parsons 19 and earning a revenue of \$2 billion a year, 20 the Orange County Water District can't 21 compete with that. 22 So Komex is not allowed to 23 perform that work for Orange County Water 24 District anymore.</p>	<p>1 criteria for Komex to do the first -- did not 2 meet -- strike that. 3 The site did not meet the Komex 4 criteria? 5 MR. SAWYER: Objection. 6 Misstating his testimony. 7 MR. FINSTEN: I'm asking a 8 question. 9 MR. SAWYER: We've got to 10 wait till I finish my objection, 11 or I'm going to have to take a 12 break so you can cool off. 13 Okay? 14 Just let me get my 15 objection out. That's the way the 16 game's played. 17 Objection. 18 Asked and answered. 19 Argumentative. 20 You're misstating his prior 21 testimony. 22 BY MR. FINSTEN: 23 Q. There's a question pending. 24 A. That's not what I said.</p>
Page 3085	Page 3087
<p>1 Now we're working with Hargis. 2 <u>And Hargis is going to evaluate</u> 3 <u>this site and they're going to provide us a</u> 4 <u>summary similar to the one that Komex had</u> 5 <u>provided.</u> 6 <u>And based on the results of</u> 7 <u>that summary, we will decide what our next</u> 8 <u>actions are going to be.</u> 9 BY MR. FINSTEN: 10 Q. I move to strike everything 11 after, "I did not say that." 12 The question was you have 13 criteria for selecting a site. 14 What are the criteria? 15 MR. SAWYER: Objection. 16 Asked and answered. 17 Argumentative. 18 THE WITNESS: The criteria 19 are releases of MTBE and TBA in 20 groundwater in close proximity to 21 a production well in which MTBE 22 has been detected. 23 BY MR. FINSTEN 24 *Q* And this site did not meet the</p>	<p>1 *Q* Okay. 2 What did you say? 3 MR. SAWYER: Objection. 4 Asked and answered. 5 I ask the court reporter to 6 mark this question. 7 THE WITNESS: You had my 8 answer struck from the record. 9 MR. SAWYER: Well, 10 actually, he can't strike it from 11 the record. 12 BY MR. FINSTEN: 13 Q. I'm failing to understand 14 something, and I think we're just sort of 15 going in a circle here. 16 There is a list that Komex did 17 reports on -- this station was not on the 18 list; correct? 19 A. That's correct. 20 Q. And there were criteria for 21 that list that Komex did reports on. 22 A. That's correct. 23 Q. Why -- what criteria did this 24 station fail to meet that kept it off of that</p>

79 (Pages 3084 to 3087)

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<p style="text-align: right;">Page 3096</p> <p>1 contamination that would require -- at this 2 station that would require the District to 3 act? 4 MR. SAWYER: Okay. 5 That -- 6 MR. FINSTEN: I'm trying to 7 break it down. 8 MR. SAWYER: I understand. 9 But the way you phrased it 10 makes absolutely no sense, at all. 11 Vague, ambiguous. 12 Overly broad. 13 Failure to specify what the 14 term "to act" means. 15 Asked and answered. 16 And I ask the court 17 reporter to mark the question. 18 THE WITNESS: I don't know 19 that we've quantified a 20 concentration at which point the 21 District would decide to act or 22 not act. 23 I can state that the 24 District is acting now.</p>	<p style="text-align: right;">Page 3098</p> <p>1 context how far back the District 2 started acting or started doing 3 anything in regards to this 4 station. 5 BY MR. FINSTEN: 6 Q. How about interacting with the 7 responsible parties? 8 MR. SAWYER: Objection. 9 Vague, ambiguous. 10 Asked and answered. 11 THE WITNESS: What about 12 interacting with the responsible 13 parties? 14 BY MR. FINSTEN: 15 Q. Do you know when the District 16 started -- or has the District -- let's lay 17 the foundation. 18 Has the District contacted the 19 responsible party for the alleged 20 contamination at 1887? 21 MR. SAWYER: Object to the 22 question as to the term "alleged 23 contamination." 24 THE WITNESS: I -- I've</p>
<p style="text-align: right;">Page 3097</p> <p>1 So whatever that 2 concentration is has been 3 exceeded. 4 BY MR. FINSTEN: 5 Q. When did the District start 6 acting? 7 MR. SAWYER: Objection. 8 Vague, ambiguous. 9 Overly broad. 10 Counsel is repeating 11 answers from written deposition 12 questions. 13 THE WITNESS: I don't know 14 when the District took its first 15 action. 16 It would have been prior to 17 my getting involved at the 18 District in 2005. 19 This lawsuit was filed 20 before I joined the District, and 21 I don't know in terms of, you 22 know, what kind of action you're 23 asking about. 24 So it depends on that</p>	<p style="text-align: right;">Page 3099</p> <p>1 never contacted the responsible 2 party in this case. 3 I believe it's ARCO -- I've 4 never contacted ARCO about this 5 site since my involvement is only 6 after the litigation was filed. 7 Therefore, I would not contact the 8 responsible party. 9 I don't know whether anyone 10 else has ever contacted ARCO about 11 this site, but I don't think so. 12 BY MR. FINSTEN 13 *Q* Okay. 14 <u>What does the District propose</u> 15 <u>to -- what kind of remediation does the</u> 16 <u>District propose to institute at station</u> 17 <u>1887?</u> 18 MR. SAWYER: Okay. 19 <u>Objection.</u> 20 <u>Asked and answered.</u> 21 <u>Ask the court reporter to</u> 22 <u>mark this question.</u> 23 <u>Vague and ambiguous.</u> 24 <u>Calls for speculation in</u></p>

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<p style="text-align: right;">Page 3100</p> <p>1 view of his prior testimony. 2 <u>THE WITNESS: The District</u> 3 <u>has not proposed any specific</u> 4 <u>remediation at this site as yet.</u> 5 BY MR. FINSTEN: 6 Q. Is the District considering any 7 specific kind of remediation? 8 MR. SAWYER: Same 9 objections. 10 THE WITNESS: Remediate -- 11 remediation of the site? 12 Yes. 13 The District is considering 14 remediation. 15 Specific remediation 16 technologies to be applied at the 17 site? 18 The District has not -- 19 we're in the process of evaluating 20 what that might be, but we will 21 need to retain some remediation 22 expertise to help decide what 23 that's going to be. 24 ///</p>	<p style="text-align: right;">Page 3102</p> <p>1 problem. That would be to 2 remediate when it's proper and 3 necessary. And we're involved in 4 our evaluation -- the 5 investigation process is part of 6 the remediation process. 7 So you're asking me when 8 did the process start to select 9 a -- an appropriate remedial 10 technology for this site? 11 It started when we started 12 looking at this site. 13 BY MR. FINSTEN: 14 Q. But we haven't been able to 15 establish when that was. 16 A. I told you when I started 17 looking at it. 18 I don't know when the District 19 started looking at it. 20 It depends on exactly how you 21 define "started looking" -- "started 22 evaluating" or "started investigation." 23 Q. How about: When was the 24 District made aware of the contamination?</p>
<p style="text-align: right;">Page 3101</p> <p>1 BY MR. FINSTEN 2 *Q* When did you start the process? 3 MR. SAWYER: I'm sorry. 4 Start what process? 5 BY MR. FINSTEN: 6 Q. Start the process of trying to 7 determine what kind of remediation. 8 MR. SAWYER: Okay. 9 I'm going to object. 10 You just spent two days 11 talking about the ongoing 12 investigation as a prerequisite to 13 determining a plan of action. 14 So asked and answered. 15 Overly broad. 16 I ask the court reporter to 17 mark this question, again, to lay 18 a foundation for a motion before 19 the Special Master. 20 THE WITNESS: When I 21 described our process of 22 evaluating the site, it's all tied 23 together. 24 Ultimate goal is to fix the</p>	<p style="text-align: right;">Page 3103</p> <p>1 MR. SAWYER: Objection. 2 Which contamination? 3 What contamination? 4 Lack of foundation. 5 Calls for speculation. 6 BY MR. FINSTEN: 7 Q. Do you know when the District 8 was made aware of contamination at ARCO 1887? 9 MR. SAWYER: Objection. 10 Vague and ambiguous. 11 Fails to specify what 12 contamination he's referring to: 13 On-site, offsite, et cetera. 14 Asked and answered. 15 Vague and ambiguous. 16 THE WITNESS: I don't know 17 when the District first learned 18 about any contamination at 19 ARCO 1887. 20 BY MR. FINSTEN: 21 Q. But the process has been going 22 on since then? 23 MR. SAWYER: Since when, 24 Counselor?</p>

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Page 3112	Page 3114
<p>1 we could touch on any parts of it</p> <p>2 that you're not clear on.</p> <p>3 MR. FINSTEN: No, that's</p> <p>4 not necessary.</p> <p>5 BY MR. FINSTEN:</p> <p>6 Q. Has the District communicated</p> <p>7 with Santa Ana Regional Board about station</p> <p>8 ARCO 1887?</p> <p>9 MR. SAWYER: Object to the</p> <p>10 extent it's been asked and</p> <p>11 answered before.</p> <p>12 THE WITNESS: Not to my</p> <p>13 knowledge.</p> <p>14 BY MR. FINSTEN:</p> <p>15 Q. How about the Orange County</p> <p>16 Health Care Agency with regard to station</p> <p>17 1887?</p> <p>18 MR. SAWYER: Same</p> <p>19 objection.</p> <p>20 THE WITNESS: I don't think</p> <p>21 so.</p> <p>22 Not to my knowledge.</p> <p>23 BY MR. FINSTEN</p> <p>24 *Q* How about any of the water</p>	<p>1 minute, but, yeah.</p> <p>2 MR. SAWYER: Want to go off</p> <p>3 the record while she's looking?</p> <p>4 THE VIDEOGRAPHER: Going</p> <p>5 off the record.</p> <p>6 The time is 1:23 -- excuse</p> <p>7 me -- 4:23 P.M.</p> <p>8 (Off the record: 4:23 P.M.-4:24 P.M.)</p> <p>9 THE VIDEOGRAPHER: Back on</p> <p>10 the record.</p> <p>11 The time is 4:24 P.M.</p> <p>12 BY MR. FINSTEN:</p> <p>13 Q. Mr. Bolin, you've seen</p> <p>14 Exhibit 48 before?</p> <p>15 A. I have.</p> <p>16 Q. You've probably memorized it by</p> <p>17 now.</p> <p>18 A. I have not.</p> <p>19 Q. Has the District done anything</p> <p>20 different for station 1887, as far as</p> <p>21 investigation or remediation activity as</p> <p>22 outlined on this exhibit, than it has for any</p> <p>23 of the other stations that you have testified</p> <p>24 about?</p>
Page 3113	Page 3115
<p>1 producers in regard to station 1887?</p> <p>2 MR. SAWYER: Same</p> <p>3 objection.</p> <p>4 That's been asked and</p> <p>5 answered several times.</p> <p>6 I'd ask the court reporter</p> <p>7 to mark the question.</p> <p>8 THE WITNESS: To my</p> <p>9 knowledge, there's been no</p> <p>10 specific discussions with</p> <p>11 producers about ARCO 1887, only in</p> <p>12 the general context of MTBE being</p> <p>13 released in the basin and being</p> <p>14 detected in drinking water wells</p> <p>15 and that there are various</p> <p>16 sites -- such as ARCO 1887 -- that</p> <p>17 are suspect sources for that</p> <p>18 contamination.</p> <p>19 MR. FINSTEN: Could I</p> <p>20 borrow somebody's copy of</p> <p>21 Exhibit 48?</p> <p>22 MR. SAWYER: No.</p> <p>23 Don't give it to him.</p> <p>24 MS. ROY: Might take me a</p>	<p>1 A. No.</p> <p>2 MR. FINSTEN: I have no</p> <p>3 further questions.</p> <p>4 MR. SAWYER: Thank you.</p> <p>5 THE WITNESS: Great.</p> <p>6 Thank you.</p> <p>7 MR. SAWYER: Thank you very</p> <p>8 much.</p> <p>9 THE VIDEOGRAPHER: This</p> <p>10 concludes today's deposition of</p> <p>11 David Bolin, Volume XII.</p> <p>12 Going off the record.</p> <p>13 The time is 4:25 P.M.</p> <p>14 (The deposition concluded at</p> <p>15 4:25 P.M.)</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

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Page 3116		Page 3118	
1	ACKNOWLEDGEMENT OF DEPONENT	1	-----
2		2	ERRATA
3	I, DAVID P. BOLIN, do hereby declare	3	-----
4	under penalty of perjury that I have read the	4	
5	foregoing transcript; that I have made any	5	PAGE/
6	corrections as appear noted, in ink,	6	LINE
7	initialed by me, or attached hereto; that my	7	CHANGE
8	testimony as contained herein, as corrected,	8	_____
9	is true and correct.	9	_____
10		10	_____
11	EXECUTED this _____ day of _____,	11	_____
12	20____, at _____.	12	_____
13		13	_____
14		14	_____
15		15	_____
16	DAVID P. BOLIN	16	_____
17		17	_____
18		18	_____
19		19	_____
20		20	_____
21		21	_____
22		22	_____
23		23	_____
24		24	_____
Page 3117		Page 3119	
1	CERTIFICATION	1	-----
2		2	LAWYER'S NOTES
3	I, Harry Alan Palter, Certified	3	-----
4	Shorthand Reporter, in and for the State of	4	
5	California, do hereby certify:	5	PAGE/
6	That the witness named in the foregoing	6	LINE
7	deposition was, before the commencement of	7	CHANGE
8	the deposition, duly administered an oath in	8	_____
9	accordance with the California Code of Civil	9	_____
10	Procedure Section 2094; that the testimony	10	_____
11	and proceedings were reported	11	_____
12	stenographically by me and later transcribed	12	_____
13	into computer-aided transcription under my	13	_____
14	direction; that the foregoing is a true	14	_____
15	record of the testimony and proceedings taken	15	_____
16	at that time.	16	_____
17	IN WITNESS WHEREOF, I have subscribed	17	_____
18	my name this 13th day of November, 2008.	18	_____
19		19	_____
20		20	_____
21		21	_____
22	Harry Alan Palter, CSR No. 7708	22	_____
23	Certified LiveNote Reporter	23	_____
24		24	_____

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

Methyl Tertiary Butyl: Master File No. 1:00-1898
Ether ("MTBE") : MDL NO. 1358 (SAS)
Products Liability : M21-88
Litigation :

This Document Relates to:
Orange County Water District
v. Unocal Corporation, et al.,
S.D.N.Y. No. 04 Civ. 4968 (SAS)

CONFIDENTIAL
(Per 2004 MDL 1358 Order)

Wednesday, December 3, 2008

Videotaped Deposition of DAVID P. BOLIN,
Volume 19, OCWD'S 30(b)(6) DESIGNEE re Focus Plume
#1, held in the law offices of Latham & Watkins,
650 Town Center Drive, Suite 2000, Costa Mesa,
California, beginning at 9:09 a.m., before Sandra
Bunch VanderPol, RPR, RMR, CRR, CSR #3032.

GOLKOW TECHNOLOGIES, INC.
877.370.3377 ph|917.591.5672 fax
deps@golkow.com

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<p style="text-align: right;">Page 4388</p> <p>1 attached table and look at plume No. 30. Are you 2 with me? 3 A. Yes. 4 Q. Are the four stations that I 5 previously identified at the beginning of the 6 deposition the four stations that OCWD identified as 7 its plume No. 30? 8 A. Yes. I see these. 9 Q. Okay. Did you have any involvement 10 in the grouping of these four stations as a single 11 plume No. 30? 12 A. I don't recall specifically, but 13 I was involved in preparing this table, so I believe 14 I did. 15 Q. Okay. What is it that makes these 16 four stations a single plume? 17 A. They are -- 18 MR. SAWYER: Let me just get my objection 19 out. 20 Vague and ambiguous. Go ahead. 21 THE WITNESS: These stations are located 22 close to one another. 23 BY MR. KATZ: 24 Q. And how close are these stations from 25 each other, the furthest station to the furthest</p>	<p style="text-align: right;">Page 4390</p> <p>1 MR. SAWYER: Objection. Vague. Ambiguous. 2 Overly broad. 3 THE WITNESS: It's not a rule that we 4 applied universally. 5 BY MR. KATZ: 6 Q. Right. What is it about the fact 7 that these four stations are very roughly within one 8 mile of each other that makes them a plume? 9 A. It's coincidental. 10 Q. What has OCWD done to investigate 11 defendants' plume 1? And I don't know if it's easier 12 to answer station by station or if you can answer for 13 the entire plume. 14 A. I believe I can answer for the entire 15 plume. 16 We have conducted an evaluation at varying 17 degrees. In some cases we've spent more time 18 evaluating one site than another. But the evaluation 19 remains about the same: Reviewing files and 20 understanding the history of contaminant releases and 21 investigations and remediation activities at the 22 four different sites. 23 The District has not gone out to any of the 24 four sites and conducted its own investigation by 25 drilling wells or designing any remediation programs</p>
<p style="text-align: right;">Page 4389</p> <p>1 station? 2 MR. SAWYER: Objection. Vague. Ambiguous. 3 THE WITNESS: I don't know. I do have a map 4 that you also have. They are within about a mile, is 5 my estimate, but I don't know how close they are. 6 BY MR. KATZ: 7 Q. Okay. Just roughly, based on a 8 finger measurement, about a mile? 9 A. Yeah, that's a very rough estimate. 10 Q. Okay. Is it the District's view that 11 any stations within a mile of each other constitute a 12 single plume? 13 MR. SAWYER: Okay. Let me get my objections 14 out. Vague. Ambiguous. I also object to the extent 15 that it's an improper contention question. Lack of 16 foundation. And I also object to the extent it 17 exceeds the scope of the deposition, which is with 18 respect to this plume and not with respect to other 19 potential plumes. 20 THE WITNESS: No, that is not a rule that's 21 being applied. That happens to be the case for this 22 plume. 23 BY MR. KATZ: 24 Q. And why is it the case for this plume 25 but not necessarily for other releases?</p>	<p style="text-align: right;">Page 4391</p> <p>1 or specific scopes of work for remediation yet. That 2 is yet to be done. But the status of that activity 3 is basically the same for all four sites. 4 Q. In the first part of your answer you 5 referred to the fact that the District has reviewed 6 remediation files, and things of that sort. Who at 7 the District did that? 8 MR. SAWYER: Objection, to the extent it's 9 been asked and answered. 10 THE WITNESS: I did. 11 BY MR. KATZ: 12 Q. As to each of the four stations? 13 A. Yes. 14 Q. Is there anyone else at the District 15 that has done any investigation or analysis of these 16 four stations? 17 A. I don't think any other District 18 staff has done anything specific at these sites 19 except preparing maps or helping accumulate data and 20 information, but that was all at my direction. 21 There is, I believe, one of the sites, 22 the -- one of the sites had a report that was 23 prepared by the District's consultant, Komex, to 24 evaluate one of the sites, and that was Unocal 4727. 25 But the other three sites have not been evaluated by</p>

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<p style="text-align: right;">Page 4392</p> <p>1 the District's consultant yet.</p> <p>2 Q. Other than the one example you</p> <p>3 mentioned of Komex looking at the Unocal 4727 site,</p> <p>4 has any of the District's other outside consultants</p> <p>5 done any work related to these four stations?</p> <p>6 MR. SAWYER: I instruct you not to answer to</p> <p>7 the extent it seeks the disclosure of expert</p> <p>8 consultants, in view of the current status of the</p> <p>9 litigation, in which experts have not yet been</p> <p>10 disclosed by any party.</p> <p>11 You can answer it subject to that objection.</p> <p>12 THE WITNESS: Not to my knowledge. I don't</p> <p>13 recall whether these sites are on the current</p> <p>14 consultants' list, which is Hargis, with the</p> <p>15 exception of Unocal 4727. I know that Hargis will be</p> <p>16 reviewing Komex's work on that site.</p> <p>17 I don't think that they have been instructed</p> <p>18 to conduct an evaluation on the other three sites, at</p> <p>19 least not yet.</p> <p>20 BY MR. KATZ:</p> <p>21 Q. Turning back to Exhibit 306. Has</p> <p>22 <u>MTBE released from the Unocal 5792 station been</u></p> <p>23 <u>detected in any production wells?</u></p> <p>24 MR. SAWYER: Objection. Lack of foundation.</p> <p>25 THE WITNESS: I don't know.</p>	<p style="text-align: right;">Page 4394</p> <p>1 BY MR. KATZ:</p> <p>2 Q. Okay. But you did review the</p> <p>3 analytical data from the WRMS database for certain</p> <p>4 wells in the vicinity of Unocal 5792, correct?</p> <p>5 A. Yes, I did.</p> <p>6 Q. And I've been slipping back and forth</p> <p>7 calling it the Unocal 5792 and on occasion the 76</p> <p>8 5792. You understand we're talking about the same</p> <p>9 station?</p> <p>10 A. I do. 5792, that's what I go on.</p> <p>11 Q. And that always refers to 4002 Ball</p> <p>12 Road.</p> <p>13 A. Okay.</p> <p>14 Q. Okay. Has TBA released from Unocal</p> <p>15 5792 been detected in any production wells?</p> <p>16 MR. SAWYER: Objection. Vague. Overly</p> <p>17 broad. Vague. Ambiguous. Compound. Lack of</p> <p>18 foundation.</p> <p>19 THE WITNESS: Yes, TBA has been detected in</p> <p>20 production wells.</p> <p>21 BY MR. KATZ:</p> <p>22 Q. Which production wells?</p> <p>23 A. There is a production well in</p> <p>24 Fullerton where TBA was detected.</p> <p>25 Q. And you're associating that with a</p>
<p style="text-align: right;">Page 4393</p> <p>1 BY MR. KATZ:</p> <p>2 Q. Have you seen any evidence that it</p> <p>3 has?</p> <p>4 MR. SAWYER: Objection. Improper contention</p> <p>5 question. Overly broad. Vague. Ambiguous. Also I</p> <p>6 object to the extent it asks for expert opinion</p> <p>7 testimony.</p> <p>8 THE WITNESS: If I understand your question</p> <p>9 correctly, I think -- it sounds like the same</p> <p>10 question. And my answer is, I don't know.</p> <p>11 BY MR. KATZ:</p> <p>12 Q. What would it take for you to find</p> <p>13 out the answer?</p> <p>14 MR. SAWYER: All right. All right. Do you</p> <p>15 really want to stick with that question? So I guess</p> <p>16 we will have to object to it. Vague. Ambiguous.</p> <p>17 Calls for speculation. And I also object to the</p> <p>18 extent it asks for expert opinion testimony. Lack of</p> <p>19 foundation. Vague and ambiguous.</p> <p>20 THE WITNESS: I'm not sure I answered your</p> <p>21 question correctly. I haven't seen any evidence. I</p> <p>22 don't know whether any evidence exists. I don't know</p> <p>23 whether any contamination from the sites have</p> <p>24 impacted production wells.</p> <p>25 ///</p>	<p style="text-align: right;">Page 4395</p> <p>1 release from Unocal 5792?</p> <p>2 A. No, I'm not. But you didn't ask me</p> <p>3 that.</p> <p>4 Q. Oh, I apologize if I asked a bad</p> <p>5 question. Let me ask again.</p> <p>6 Has TBA released from Unocal 5792 been</p> <p>7 detected in any water production wells?</p> <p>8 A. I don't know.</p> <p>9 Q. For the same reasons that you didn't</p> <p>10 know about MTBE?</p> <p>11 MR. SAWYER: Objection. Overly broad.</p> <p>12 Vague. Ambiguous. Argumentative.</p> <p>13 THE WITNESS: That's correct.</p> <p>14 BY MR. KATZ:</p> <p>15 Q. Does MTBE released from Unocal 5792</p> <p>16 threaten any water production wells?</p> <p>17 MR. SAWYER: Objection. Vague. Ambiguous.</p> <p>18 THE WITNESS: I'm not certain what you mean</p> <p>19 by "threatened." But I believe that there is great</p> <p>20 potential, a likelihood, that MTBE and/or TBA</p> <p>21 released from the station will get into production</p> <p>22 wells if it hasn't already.</p> <p>23 BY MR. KATZ:</p> <p>24 Q. And which production wells?</p> <p>25 A. Well, that I can't be certain about.</p>

8 (Pages 4392 to 4395)

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<p style="text-align: right;">Page 4396</p> <p>1 <u>In relative proximity to the station's location. And</u> 2 <u>I can't be certain which direction, since groundwater</u> 3 <u>flows in different directions in different aquifers</u> 4 <u>and at different times.</u> 5 <u>So since I'm not a fate and transport</u> 6 <u>analyst or a capture zone expert, I can't be certain</u> 7 <u>which wells are threatened. But the proximity of</u> 8 <u>those wells to the release location is one</u> 9 <u>indicator of a threat.</u> 10 Q. In preparation for today's 11 deposition, or really for any purpose, have you 12 looked at what is the dominant groundwater flow 13 direction in any of the aquifers in the vicinity of 14 Unocal 5792? 15 MR. SAWYER: Okay. Another terrible 16 question. Vague. Ambiguous. Compound. Further 17 vague and ambiguous insofar as you use the term "for 18 any other purpose." Lack of foundation. Also object 19 to the extent it calls for speculation. 20 THE WITNESS: In general terms, the water 21 flow in the principal aquifer is in a westerly 22 direction. Specifically in the semi-perched zone I 23 looked at site-specific documents where Unocal 76, 24 ConocoPhillips, Tosco's consultant, has contoured 25 groundwater flow indicating a downward flow direction</p>	<p style="text-align: right;">Page 4398</p> <p>1 that -- a blowup of the documents that you've been 2 referring to, which is a groundwater elevation 3 contour map June 16th, 2008? 4 THE WITNESS: Mine is dated -- it's an 5 earlier report, December 21st, 2007. But there's 6 been some consistency from quarter to quarter, even 7 within the variation. 8 MR. KATZ: Okay. Well, let me hand you this 9 exhibit, and you can let me know whether it's 10 consistent with what you just testified about, so 11 that the record will be clear. 12 And the document has a Bates 13 No. OCWD-MTBE-001-267945. And I believe this will be 14 307? 15 THE REPORTER: 308. 16 (Exhibit No. 308 was marked.) 17 THE WITNESS: I've got a copy of this 18 document, if you want to refer to this. 19 MR. KATZ: No. I'm fine. 20 Q. I just want to ask you whether 21 Exhibit 308 is one of the documents that you reviewed 22 in preparation for this deposition, specifically with 23 regard to the direction of groundwater flow in the 24 semi-perched zone? 25 A. It is. And the flow direction is</p>
<p style="text-align: right;">Page 4397</p> <p>1 at the site direction, and in that case it is in a 2 southwesterly direction. 3 Q. And are you referring -- in your 4 answer are you looking at a particular document to 5 support that? 6 A. Well, I happen to have an enlargement 7 of one map from one document, but my review involved 8 looking at a number of documents over the last number 9 of years. And in the quarterly monitoring reports, 10 they have similar maps. They are groundwater 11 elevation maps, showing a southwestern -- westerly 12 flow direction. 13 Q. Okay. So the map that you're looking 14 at there is consistent with other documents you've 15 seen? 16 A. I believe it is predominantly 17 consistent. Let me refer to my notes. 18 The flow direction has varied a little bit 19 over -- over the past in the semi-perched zone from a 20 west/northwest flow direction to a south/southwest 21 flow direction. So there's been some variation. But 22 in each case it has been predominantly, I guess, to 23 the southwest. 24 MR. KATZ: And I'm going to hand to the 25 court reporter what I think is a copy of the exhibit</p>	<p style="text-align: right;">Page 4399</p> <p>1 consistent with the enlarged map I have in front of 2 me. 3 Q. Okay. We have just been previously 4 talking about whether wells are threatened with MTBE. 5 If I ask the same questions with regard to TBA, would 6 your answers be the same? 7 MR. SAWYER: And my objections will be the 8 same, which I will incorporate. 9 THE WITNESS: Yes, it would. 10 BY MR. KATZ: 11 Q. Okay. Returning to Exhibit 306, 12 which is the Area Wells Location Map. I believe you 13 testified that the wells on this map may serve as 14 conduits from a shallower zone to a deeper zone; is 15 that correct? 16 A. Yes. 17 Q. Other than preparing this map to 18 identify the locations of these wells, has the 19 District done anything to investigate whether any of 20 these wells, in fact, serve as conduits, moving 21 contamination from a shallower zone to a deeper zone, 22 with regard to the release of gasoline from Unocal 23 5792? 24 MR. SAWYER: Objection. Vague. Ambiguous. 25 Overly broad. Compound.</p>

9 (Pages 4396 to 4399)

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<p style="text-align: right;">Page 4400</p> <p>1 THE WITNESS: The District has not tested 2 any of these wells to determine whether MTBE is, in 3 fact, migrating down into the wells. So we don't 4 have that data. And well testing is yet to be 5 completed on a variety of wells along those lines. 6 Right now we don't have any specific data. 7 BY MR. KATZ: 8 Q. With regard to the production wells 9 identified on Exhibit 306 -- 10 A. Yes. 11 Q. -- have there been any taste and odor 12 complaints with regard to any of those wells that 13 have been attributed to MTBE or TBA? 14 MR. SAWYER: Objection. Vague. Ambiguous. 15 Overly broad. Compound. 16 THE WITNESS: I don't know. 17 MR. KATZ: I am going to hand to the court 18 reporter what I believe will be marked Exhibit 309, 19 which is a two-page document entitled, "76 Station 20 No. 5792," Bates No. OCWD-MTBE-001-268736 through 21 737. 22 (Exhibit No. 309 was marked.) 23 MR. SAWYER: Are these the notes? Okay. I 24 have got my copy here. 25 What exhibit number are we marking it as?</p>	<p style="text-align: right;">Page 4402</p> <p>1 became Exhibit 309? 2 MR. SAWYER: I will just object to the use 3 of the term "start preparing" as vague and ambiguous. 4 THE WITNESS: Well, it depends. I don't -- 5 I think the first entry in my notes -- in these notes 6 would have been Monday. But the information gleaned 7 to prepare the notes I obtained long before that. 8 BY MR. KATZ: 9 Q. Looking at the middle, at least on my 10 version what is the middle of the page, the row that 11 begins, "Off-site wells." 12 A. Huh-huh. 13 Q. I will just read the line. Some 14 folks don't have a copy of the exhibit. "Off-site 15 wells, only one location, MW-7S, MW-7I and MW-7D, 16 about 200 feet south/southwest of site, not optimal 17 location." 18 Do you see that? 19 A. Yes, I do. 20 Q. And you wrote those -- that line? 21 These are your words? 22 A. Yes, those are my words. 23 Q. What did you mean by "not optimal 24 location"? 25 A. The wells -- it's essentially one</p>
<p style="text-align: right;">Page 4401</p> <p>1 THE WITNESS: 309. 2 MR. SAWYER: Thank you very much. 3 BY MR. KATZ: 4 Q. Mr. Bolin, have you reviewed 5 Exhibit 309? 6 A. Yes, I have. 7 Q. What is it? 8 A. These are summary notes that I had 9 prepared to help answer questions today. 10 Q. When did you start preparing 11 Exhibit 309? 12 A. Probably -- well, the information 13 contained in here I began learning about when I first 14 was aware of the station. I don't recall exactly 15 when that was. Probably some time in 2005. 16 Q. My question was specifically with 17 regard to when did you first prepare the document 18 that became Exhibit 309? 19 A. I finished preparing it on Sunday. 20 Now, I can't recall. It might have been yesterday. 21 No, no, not yesterday. I am sorry. It would have 22 been Monday. Monday. 23 Q. Monday, December 1st? 24 A. The day before yesterday. 25 Q. And when did you start preparing what</p>	<p style="text-align: right;">Page 4403</p> <p>1 sample location, MW-7. There are three wells 2 installed at that location, 7S, 7I and 7D. They 3 designated a shallow zone, an intermediate zone and a 4 deep zone. But they are all within the -- the 5 semi-perched zone. 6 The 7D was 45 to 49 feet below ground 7 surface. 7S and 7I are above that, screened above 8 that. And this -- they are not in the optimal 9 location for an off-site well because the flow 10 direction has been predominantly in a southwesterly 11 direction, and these wells are more south of the 12 site. 13 So I made note here that if there was going 14 to be any off-site investigation trying to delineate 15 the lateral extent of contamination, these are not 16 the best location to do that. These are more 17 cross-gradient than downgradient. 18 Q. And that if you were going to do that 19 investigation, would a better location for the well 20 have been in a -- west of the site as opposed to 21 south of the site? 22 A. Well, if -- first of all, they only 23 sampled one location. You can't delineate a plume 24 with just one well. And it was the only effort 25 that's been made to drill off site for contamination</p>

10 (Pages 4400 to 4403)

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<p style="text-align: right;">Page 4424</p> <p>1 remediation. Based on my notes, I know that -- that</p> <p>2 Unocal's consultant began to inject ozone in 2005,</p> <p>3 but I -- and their system had only been operating</p> <p>4 about 50 percent of the time, but I don't know to</p> <p>5 what degree they are doing that today.</p> <p>6 Q. Okay. Turning back to Exhibit 310,</p> <p>7 the map. The --</p> <p>8 A. The big one?</p> <p>9 Q. The big one.</p> <p>10 A. Okay.</p> <p>11 Q. Are the releases from the four</p> <p>12 stations depicted on this map commingled?</p> <p>13 MR. SAWYER: Objection. Vague. Ambiguous.</p> <p>14 Compound.</p> <p>15 THE WITNESS: I don't know.</p> <p>16 BY MR. KATZ:</p> <p>17 Q. Has the District done any</p> <p>18 investigation to determine whether the releases from</p> <p>19 those four stations are commingled?</p> <p>20 MR. SAWYER: Objection. Vague ambiguous</p> <p>21 compound. I also object to the extent it asks for</p> <p>22 expert opinion testimony.</p> <p>23 Give your personal observations, if any.</p> <p>24 THE WITNESS: I have reviewed some of the</p> <p>25 available files for these stations, and I have not</p>	<p style="text-align: right;">Page 4426</p> <p>1 much has been released, or the magnitude of the</p> <p>2 problem.</p> <p>3 BY MR. KATZ:</p> <p>4 Q. And what do you base your conclusion</p> <p>5 on that MTBE has escaped from remediation at Unocal</p> <p>6 5792?</p> <p>7 A. Primarily from Unocal's consultant's</p> <p>8 reports. They have indicated that elevated</p> <p>9 concentrations of MTBE were detected at the site</p> <p>10 margin wells in the downgradient direction from the</p> <p>11 release point, which was one of three locations,</p> <p>12 either the underground storage tanks or dispenser</p> <p>13 islands or the piping that connects the two. Site</p> <p>14 margin wells had elevated concentrations in the</p> <p>15 downgradient direction, and no off-site investigation</p> <p>16 was conducted in that direction. So remediation was</p> <p>17 initiated after contamination was -- was detected.</p> <p>18 Since there was no off-site investigation,</p> <p>19 we don't know how far that contamination had gone</p> <p>20 before remediation was even initiated. And even if</p> <p>21 we did, the remediation that was initiated was</p> <p>22 dual-phase extraction.</p> <p>23 Now, dual-phase extraction involves removing</p> <p>24 contamination in the form of soil vapor and is a</p> <p>25 minor degree of pumping the groundwater table down or</p>
<p style="text-align: right;">Page 4425</p> <p>1 been able to draw any conclusion from that -- when I</p> <p>2 say "I," I mean I on behalf of the District, has not</p> <p>3 drawn any conclusion about the degree of commingling</p> <p>4 between the four sites. I don't know.</p> <p>5 BY MR. KATZ:</p> <p>6 Q. Does the District have any plans</p> <p>7 today to do any further investigation of the Unocal</p> <p>8 5792?</p> <p>9 A. The District does not have specific</p> <p>10 plans, meaning a scope of work for conducting an</p> <p>11 investigation, but has some general plans that more</p> <p>12 investigation will be done. As to exactly what or</p> <p>13 when, I don't know.</p> <p>14 Q. Has MTBE escaped from remediation at</p> <p>15 Unocal 5792?</p> <p>16 MR. SAWYER: Objection. Vague. Ambiguous.</p> <p>17 THE WITNESS: Yes, I believe it has.</p> <p>18 BY MR. KATZ:</p> <p>19 Q. And how much has escaped from</p> <p>20 remediation?</p> <p>21 MR. SAWYER: Objection. Vague. Ambiguous.</p> <p>22 Lack of foundation.</p> <p>23 THE WITNESS: I don't know. The</p> <p>24 contamination hasn't been delineated. I don't know</p> <p>25 how far it's gone, when it was first released, how</p>	<p style="text-align: right;">Page 4427</p> <p>1 pulling the water table down to expose more soil or</p> <p>2 soil vapor removal, but does not involve or consist</p> <p>3 of groundwater capture.</p> <p>4 So the contamination was not contained and</p> <p>5 groundwater was not captured, and the contaminated</p> <p>6 groundwater that had moved off site was not pulled</p> <p>7 back. So it leads me to believe that contamination</p> <p>8 has been released from the site, got into</p> <p>9 groundwater, flowed off site, and has not been</p> <p>10 remediated.</p> <p>11 Q. I understand that you just testified</p> <p>12 you don't know how much MTBE you believe has flowed</p> <p>13 off site, but is that unknown amount significant to</p> <p>14 the District?</p> <p>15 MR. SAWYER: Objection. Vague. Ambiguous.</p> <p>16 THE WITNESS: Well, I don't know what you</p> <p>17 mean by the term "significant." It's certainly</p> <p>18 meaningful that there is MTBE and TBA contamination</p> <p>19 in groundwater. The groundwater -- it's in the</p> <p>20 shallow zone, the semi-perched zone, and it's the</p> <p>21 shallow groundwater does replenish water in the</p> <p>22 principal aquifer, which is the primary drinking</p> <p>23 water source in the basin. So that's very meaningful</p> <p>24 in terms of being concerned about a threat to</p> <p>25 drinking water sources.</p>

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<p style="text-align: right;">Page 4428</p> <p>1 BY MR. KATZ:</p> <p>2 Q. Do you know what the travel time is</p> <p>3 between the shallow semi-perched zone and the</p> <p>4 principal aquifer?</p> <p>5 MR. SAWYER: Objection. Lack of foundation.</p> <p>6 Also ignores his prior testimony that he's not a</p> <p>7 transport expert. Lack of qualifications. Calls for</p> <p>8 speculation.</p> <p>9 THE WITNESS: I'm not a fate and transport</p> <p>10 specialist or expert, and so I really don't know. It</p> <p>11 varies from location to location.</p> <p>12 BY MR. KATZ:</p> <p>13 Q. Has the District had any</p> <p>14 <u>communications with the Orange County Health Care</u></p> <p>15 <u>Agency with regard to Unocal 5792?</u></p> <p>16 A. Not that I'm aware of. At least not</p> <p>17 specific to 5792.</p> <p>18 Q. The same for the Santa Ana Regional</p> <p>19 <u>Water Quality Control Board?</u></p> <p>20 A. It is the same. I believe that this</p> <p>21 <u>site is on the water board's list of MTBE release</u></p> <p>22 <u>sites. So I know that we've had discussions -- the</u></p> <p>23 <u>District has had discussions with the water board,</u></p> <p>24 <u>but not necessarily specific to this site.</u></p> <p>25 Q. Has the District communicated with</p>	<p style="text-align: right;">Page 4430</p> <p>1 for your call. Do you want to --</p> <p>2 MR. SAWYER: It's up to you. We have got a</p> <p>3 few more minutes if you think you're coming around</p> <p>4 the bend on something. It's up to you. Do you want</p> <p>5 to take a break now? It's 10:32. I need to make the</p> <p>6 call at 10:40 or 10:39.</p> <p>7 MR. KATZ: Why don't we just take a break</p> <p>8 now.</p> <p>9 MR. SAWYER: That's fine.</p> <p>10 MR. KATZ: And we can resume after your</p> <p>11 call.</p> <p>12 THE VIDEOGRAPHER: Going off the record.</p> <p>13 The time is 10:33 a.m.</p> <p>14 (Recess taken.)</p> <p>15 THE VIDEOGRAPHER: Back on record. The time</p> <p>16 is 10:51 a.m.</p> <p>17 BY MR. KATZ:</p> <p>18 Q. Mr. Bolin, has the Orange County</p> <p>19 Water District had any communications with the</p> <p>20 Southern California Water Company, now Golden State</p> <p>21 Water Company, with regard to Unocal 5792?</p> <p>22 A. Not that I'm aware of.</p> <p>23 Q. And is it Golden State Company that</p> <p>24 acquired -- or is it Golden West?</p> <p>25 A. It's Golden State -- it's Golden</p>
<p style="text-align: right;">Page 4429</p> <p>1 the station owner concerning Unocal 5792?</p> <p>2 MR. SAWYER: Object. Vague -- objection,</p> <p>3 vague and ambiguous.</p> <p>4 Are you excluding the fact that they were --</p> <p>5 they are being sued as a form of communication,</p> <p>6 complaint and summons?</p> <p>7 MR. KATZ: Yes. Excluding that.</p> <p>8 MR. SAWYER: Okay.</p> <p>9 THE WITNESS: Not that I'm aware of.</p> <p>10 BY MR. KATZ:</p> <p>11 Q. The same for the station operator?</p> <p>12 A. No. I don't think the District would</p> <p>13 have a discussion with a station operator. So not to</p> <p>14 my knowledge.</p> <p>15 Q. Okay. Has the District had any</p> <p>16 internal discussions about Unocal 5792?</p> <p>17 MR. SAWYER: Object to the extent it seeks</p> <p>18 the disclosure of attorney-client communication</p> <p>19 privilege or the deliberative privilege.</p> <p>20 You can answer it subject -- without</p> <p>21 disclosing those types of communications.</p> <p>22 THE WITNESS: I'm not aware of any specific</p> <p>23 discussions between District staff about station</p> <p>24 5792.</p> <p>25 MR. KATZ: Curt, we're almost at the time</p>	<p style="text-align: right;">Page 4431</p> <p>1 State.</p> <p>2 Q. Okay.</p> <p>3 A. And I think they just changed their</p> <p>4 brand. I'm not aware it was an acquisition or a</p> <p>5 merger, or something like that.</p> <p>6 Q. Just a name change?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. If I can ask you to turn back</p> <p>9 to Exhibit 309, which is your station notes for 5792.</p> <p>10 A. Okay.</p> <p>11 Q. On the last page, at the bottom, it</p> <p>12 identifies the nearest drinking water production</p> <p>13 well, I assume, to Unocal 5792, as being a</p> <p>14 SCWC-LABL2; is that right?</p> <p>15 A. That's what I've indicated here. I</p> <p>16 believe that's the closest one.</p> <p>17 Q. Has the District sampled SCWC-LABL2</p> <p>18 for the presence of MTBE?</p> <p>19 A. I believe it has.</p> <p>20 Q. And what were the results?</p> <p>21 A. I don't believe MTBE was detected.</p> <p>22 Q. The same for TBA?</p> <p>23 A. Yes.</p> <p>24 Q. And did the District have Friedman &</p> <p>25 Bruya sample SCWC-LABL2 for the presence of MTBE?</p>

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REPORTER'S CERTIFICATE

I certify that the witness in the foregoing deposition.

DAVID BOLIN

was by me duly sworn to testify in the within-entitled cause; that said deposition was taken at the time and place therein named; pages 4368 through 4588 of the testimony of said witness were reported by me, a duly Certified Shorthand Reporter of the State of California authorized to administer oaths and affirmations, and said testimony was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for either or any of the parties to said deposition, nor in any way interested in the outcome of the cause named in said deposition.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of December, 2008.

SANDRA BUNCH VANDER POL, RMR, CRR
Certified Shorthand Reporter
Certificate No. 3032

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